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No. 20]

NEW DELHI, SATURDAY, MAY 18, 1991/VAISAKHA 28, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India other than
the Ministry of Defence)

(विधि कार्य विभाग)

सूचनाएं

नई दिल्ली, 21 मार्च, 1991

का.आ. 1336--नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री उमा शंकर मिश्रा ऐडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कैजाबाद, उ.प्र. व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(56)/90. न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICES

New Delhi, the 21st March, 1991

S.O. 1336.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that

application has been made to the said Authority, under rule 4 of the said Rules, by Shri Uma Shankar Mishra, Advocate for appointment as a Notary to practise in Faizabad (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(56)/90-Judl.]

का.आ. 1337:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बिरदी नन्द भगवान एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे राजस्वान उच्च न्यायालय खण्डपीठ, जयपुर जि. कोर्ट जयपुर व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(60)/90-न्या.]

S.O 1337.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under

rule 4 of the said Rules, by Shri Birdhi Chand Aggarwal, Advocate for appointment as a Notary to practise in High Court, Bench, Jaipur/Ditt. Collector Court, Jaipur.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(60)/90-Judl.]

नई दिल्ली, 26 अप्रैल, 1991

का.प्रा. 1338 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कृष्ण लाल ग्रोवर ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सब-तहसील मलाउत और सब तहसील लम्बी (जिला फरीदकोट, पंजाब) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौबह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(20)/91-न्या०.]

New Delhi, the 26th April, 1991

S.O. 1338.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Krishan Lal Grover for appointment as a Notary to practise in Sub-Tehsil Malaut and Sub-Tehsil Lamnabi (Distt. Faridkot, Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(20)/91-Judl.]

का.प्रा. 1339 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कृष्ण मुरारी सिन्हा ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला खगरिया, बिहार व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौबह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(21)/91-न्याय.]

पी. सी. कृष्णन, सक्षम प्राधिकारी

S.O. 1339.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Krishna Murari Sinha for appointment as a Notary to practise in District Khagaria, Bihar.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(21)/91-Judl.]

P. C. KANNAN, Competent Authority

कार्मिक, लोक शिक्षा तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आवेदन

नई दिल्ली, 26 अप्रैल, 1991

का.प्रा. 1340 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित

धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार राजनैतिक (ए) विभाग अधिसूचना सं. पी.एल.ए. 457/90/10 तारीख 28 जनवरी, 1991 द्वारा असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का प्रातःकवादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का 28) की धारा 3/4 के साथ पठित भारतीय बंड संहिता (1860 का 45) की धारा 302/34 के अधीन दंडनीय अपराधों और उक्त अपराधों के संबंध में या उनसे संसक्त आपराधिक बल, हमला, बुद्धिगम और धमकी तथा कहिलेश्वर साकिया की हत्या से संबंधित सिमलपुरी पुलिस धाना मामला सं. 131/90 तारीख 23-7-1990 के संबंध में उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किया गया या किए गए किसी अन्य अपराध के अन्वेषण के लिए संपूर्ण असम राज्य पर विस्तार करती है।

[सं. 228/20/91-ए.बी.डी. (II) (i)]

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 26th April, 1991

S.O. 1340.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of Government of Assam vide Government of Assam Political (A), Department Notification No. PLA. 457/90/10 dated 28th January, 1991, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences punishable under section 302/34 of Indian Penal Code (45 of 1860) read with section 3/4 of Terrorists and Disruptive Activities (Prevention) Act, 1987 (28 of 1987) and criminal force, assault, abetments and conspiracies in relation to or in connection with the said offences and any other offence of offences committed in the course of the same transaction arising out of the same facts in regard to Simalguri PS Case No. 131/90 dated 23-7-1990 relating to murder of Ruhiteswar Saikia.

[No. 228/20/91-AVD.II(i)]

आवेदन

का.प्रा. 1341 :—असम केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार राजनैतिक (ए) विभाग अधिसूचना सं. पी.एल.ए. 457/90/11 तारीख 28-1-1991 द्वारा असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का प्रातःकवादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम, 1988 (1987 का 28) की धारा 3/4 के साथ पठित भारतीय बंड संहिता (1860 का 45) की धारा 302/326/427/34 के अधीन दंडनीय अपराधों और उक्त अपराधों के संबंध में या उनसे संसक्त आपराधिक बल, हमला, बुद्धिगम और धमकी तथा श्रीमती मलिक की हत्या से संबंधित, छद्म पुलिस धाना मामला सं. 96/89 तारीख 11-9-89 के संबंध में उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के अन्वेषण के लिए संपूर्ण असम राज्य पर विस्तार करती है।

[सं. 228/20/91-ए.बी.डी. (II)]

ए. सी. शर्मा, भ्रवर सचिव

ORDER

S.O. 1341.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of Government of

Assam vide Government of Assam Political (A), Department Notification No. PLA 457/90/11 dated 28th January, 1991, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences punishable under section 302/326/427/34 of Indian Penal Code (45 of 1860) read with sections 3/4 of Terrorists and Disruptive Activities (Prevention) Act, 1987 (28 of 1987) and criminal force, assault, abetments and conspiracies in relation to or in connection with the said offences and any other offences, whatsoever, committed in the course of the same transaction arising out of the same facts in regard to Chabua PS Case No. 96/89 dated 11-9-89 relating to murder of Mrs. Mallick.

[No. 228/20/91-AVD.II(ii)]

मई दिल्ली, 1 मई, 1991

का.मा. 1342.— केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री प्रभात कुमार चौबे, अधिवक्ता, अजमतगढ़ पैलेस (मोती झील), वाराणसी (उ.प्र.) को मुख्य न्यायिक मजिस्ट्रेट, देहरादून के न्यायालय में दिव्यारणाधीन श्री मनमोहन सिंह नेगी उर्फ मन्नु और तेरह अन्य के विरुद्ध सी.बी.आई. मामला भार.सी. 3/35/88/डीपीएल सी ए बी के अभियोजन के संचालन के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/41/90-ए.सी.डी.-II]

ए.सी. शर्मा, अवर सचिव

New Delhi, the 1st May, 1991

S.O. 1342.—In exercise of the powers conferred by sub-section 8 of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) the Central Government hereby appoints Shri Prabhat Kumar Chaube, Advocate, Azamatgarh Palace (Moti Jheel), Varanasi (U.P.) as Special Public Prosecutor for conducting the prosecution of CBI case RC. 3/35/88/DPL/DAD against Shri Man Mohan Singh Negi @ Mannu and 13 others in trial in the court of Chief Judicial Magistrate Dehradun.

[No. 225/41/90-AVD.II]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

मई दिल्ली, 13 अप्रैल, 1991

धायक

का.मा. 1343.— धायक अधिनियम, 1961 (1961 का 45) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “राष्ट्रीय स्थापन परिषद, बंगलोर” को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उप खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिणी उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए उसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान

धारा 11 की उपधारा (8) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेबर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कारोबार से प्राप्त लाभ तथा अधिवान के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[सं. 8870/का.सं. 197/168/90-भा.क.वि.-1]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 18th April, 1991

(INCOME-TAX)

S.O. 1343.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Rashtrarthana Parishat, Bangalore” for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8870/F. No. 197/168/90-IT.A.I.]

(धायक)

का.मा. 1344.— धायक अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा राष्ट्रीय स्थापन परिषद साउथ इंडिया, बंगलोर को कर-निर्धारण वर्ष 1989-90 से 1990-92 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उप खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिणी उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए उसकी स्थापना की गई है;
- (2) कर-निर्धारिणी उपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेबर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी धाय के संबंध में लागू नहीं होगी, जो कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा उक्त करनिर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रत्येक से लेखा-मुस्तकाएं नहीं रखी जाती हों।

[सं. 8871/फा.सं. 197/41/91-आ.क.नि.-1]
दलीप सिंह, विशेष कार्य अधिकारी

S.O. 1344.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Wildlife Association of South India, Bangalore" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8871/F. No. 197/41/91-IT. A.I]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 18 अप्रैल, 1991

(धायक)

का.प्रा. 1345.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 43) की धारा 80 जी की उप-धारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री परमल रंगा नाथर मंदिर धीरुवीदालुर, मयिलादुथुराई, तमिलनाडु" को सम्पूर्ण तमिलनाडु राज्य में ऐतिहासिक महत्व के एक स्थल के रूप में उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 8869/फा.सं. 176/4/90-आ.क.नि.-I]

अनुजा सारंगी, अधीक्षक सचिव,

New Delhi, the 18th April, 1991

(INCOME-TAX)

S.O. 1345.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Parimala Renganathar Temple, Thiruvindalur, Mayiladuthurai, Tamilnadu" to be a place of historical importance throughout the State of Tamilnadu for the purpose of the said section.

[No. 8869/F. No. 176/4/90-IT. A.I]
ANUJA SARANGI, Under Secy.

जावेद श

नई दिल्ली, 24 अप्रैल, 1991

स्टाम्प

का.प्रा. 1346.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 43) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा गुजरात इन्वेंस्ट्रियल डेवेलपमेंट कॉर्पोरेशन लिमिटेड, अहमदाबाद, को मात्र एक लाख सत्तासी हजार, पांच सौ रुपए के उस समेकित स्टाम्प शुल्क का भुगतान करने की

अनुमति देती है जो उक्त कॉर्पोरेशन के द्वारा जारी किए जाने वाले मात्र दो करोड़ पचास लाख रु. के अंकित मूल्य के ऋण पत्रों के रूप में 11.5% जी.आई.आई.सी. बंधपत्र 24वीं श्रृंखला 2010 पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 18/91—स्टाम्प/फा.सं. 33/24/91-बि.क.]

ORDERS

New Delhi, the 24th April, 1991

STAMPS

S.O. 1346.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Gujarat Industrial Investment Corporation Limited, Ahmedabad to pay consolidated stamp duty of rupees one lakh eighty seven thousand five hundred only, chargeable on account of the stamp duty on 11.5 per cent G.I.I.C. Bonds 24th Series—2010 in the form of debentures of the face value of rupees two crores and fifty lakhs only to be issued by the said Corporation.

[No. 18/91-Stamps/F. No. 33/24/91-ST.]

स्टाम्प

का.प्रा. 1347.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री निरलॉन लिमिटेड, बम्बई को मात्र उन्नीस लाख सत्तासी हजार तीन सौ सत्तर रुपए के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कंपनी के द्वारा जारी किए जाने वाले मात्र अठारह करोड़ चौवन लाख सत्तासी हजार सात सौ पचास रुपए के कुल मूल्य के 13.5 प्रतिशत समपरिवर्तनीय ऋण पत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 19/91—स्टाम्प/फा.सं. 33/58/90-बि.क.]

STAMPS

S.O. 1347.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Nirlon Limited, Bombay to pay consolidated stamp duty of rupees nineteen lakh, eighty-seven thousand, three hundred and twenty only, chargeable on account of the stamp duty on 13.5 per cent convertible debentures of the aggregate value of rupees Eighteen crores, fifty-four lakh, eighty-seven thousand seven hundred and fifty only to be issued by the said Company.

[No. 19/91-Stamps/F. No. 33/58/90/ST]

का.प्रा. 1348.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा हाऊसिंग डेवलपमेंट फार्मिनेस कॉर्पोरेशन लि. बम्बई द्वारा जारी किये जाने वाले बंध पत्रों पर उक्त अधिनियम की प्रथम अनुसूची के अनुच्छेद 13 के साथ पठित अनुच्छेद 49 (ख) के अंतर्गत प्रभाव्य शुल्क को उस सीमा तक कम करती है जितना कि इसके साथ संलग्न अनुसूची में निर्धारित है।

अनुसूची

क्र. सं.	बंध पत्रों का विवरण	बंधपत्रों पर अंकित मूल्य	देय शुल्क	दरों पर एक चौथाई।
1	2	3	4	
1.	12.5% एच.डी.एफ.सी. बंध पत्र 2001 (12 श्रृंखला)	10 करोड़ रु.	स्टाम्प अधिनियम 1899 (1899 का 2) की प्रथम अनुसूची के अनुच्छेद 13 के साथ पठित अनुच्छेद 49 (ख) में निर्धारित	2. 12.5% एच.डी.एफ.सी. बंध पत्र 2001 (13 श्रृंखला) 20 करोड़ रु. यथोपरि
3.	13% एच.डी.एफ.सी. न्यास बंध पत्र-श्रृंखला "ख"	30 करोड़ रु.		यथोपरि

[फा.सं. 21/91-स्टाम्प/फा.सं. 33/7/91 बी.क.]

STAMPS

S.O. 1348.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby reduces the duty with which the bonds to be Issued by the Housing Development Finance Corporation Limited, Bombay are chargeable under article 49(b) read with article 13 of the first Schedule to the said Act, to the extent specified in the fourth column of the schedule hereto annexed.

SCHEDULE

Serial No.	Description of bonds	Face value of bonds	Duty payable
(1)	(2)	(3)	(4)
1.	12.5%—HDFC Bonds 2001 (XII Series)	Rs. 10 Crores.	One-fourth of the rates specified in article 49(b) read with article 13 of the First Schedule to the Stamp Act, 1899 (2 of 1899).
2.	12.5% HDFC Bonds 2001 (XIII Series)	Rs. 20 crores.	-do-
3.	13%—HDFC Trust Bonds—Series 'B'	Rs. 30 crores.	-do-

[No. 21/91-Stamp/F.No. 33/7/91-ST.]

नई दिल्ली, 30 अप्रैल, 1991

स्टाम्प

का.प्रा. 1349 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, मै. गिलेडर्स प्रबंधन एण्ड कं. लि., कलकत्ता को मात्र अठ्ठाइस हजार सात सौ पचास रुपये उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले पच्चीस लाख रुपये मान के अंकित मूल्य के ऋण-पत्रों के रूप में एक-एक सौ रुपये के 25,000/- रु. के 15% गैर-मंजरी सुरक्षित विमोच्य बंध-पत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 20/91-स्टाम्प/फा.सं. 33/27/91 बि.क.]

New Delhi, the 30th April, 1991

STAMPS

S.O. 1349.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Messrs Gillanders Arbutnot and Company Limited, Calcutta to pay consolidated stamp duty of rupees eighteen thousand seven hundred and fifty only, chargeable on account of the stamp duty on 25,000—15 per cent non-convertible secured redeemable debentures of Rs. 100/- each bonds in the form of debentures of the face value of rupees twenty-five lakhs to be issued by the said Company.

[No. 20/91-Stamp/F. No. 33/27/91-ST.]

स्टाम्प

का.प्रा. 1350 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, दि ईस्ट इंडिया होटल लिमिटेड, कलकत्ता को मात्र बारह लाख, तिरानवे हजार और सात सौ पचास रुपये के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए गए जाने वाले सत्र करोड़ और पच्चीस लाख रुपये के अंकित मूल्य के "14% सुरक्षित अपरिवर्तनीय ऋण-पत्र—1991" स्टाम्प-शुल्क के कारण प्रभाव है।

[सं. 22/91-स्टाम्प/फा.सं. 33/83/90-बि.क.]

STAMPS

S.O. 1350.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The East India Hotels Limited, Calcutta to pay consolidated stamp duty of rupees twelve lacs ninety three thousand and seven hundred fifty only, chargeable on account of the stamp duty on "14 per cent Secured Non-Convertible Debentures—1991" of the face value of rupees seventeen crores and twenty-five lakhs to be issued by the said Company.

[No. 22/91-Stamp, F. No. 33/83/90-ST.]

स्टाम्प

का.प्रा. 1351 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उस शुल्क को मात्र

करती है जो वामोदर वैली कॉर्पोरेशन, कलकत्ता द्वारा जारी दो सौ बयासीस करोड़ और पचासी लाख रुपये मान्य मूल्य के 13 प्रतिशत (कर योग्य) सार्वजनिक क्षेत्र बंधन-पत्रों के रूप में उक्त अधिनियम के अंतर्गत प्रभाव्य हैं।

[सं. 24/91-स्टाम्प-फा.सं. 33/2/91-बि.क.]

पारमा राम, धर सचिव

STAMPS

S.O. 1351.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures—13 percent (taxable) Public Sector Bonds of the value of rupees two hundred forty two crores and eighty five lakhs only to be issued by Damodar Valley Corporation, Calcutta are chargeable under the said Act.

[No. 24/91-Stamp. F. No. 33/2/91-ST.]

ATMA RAM, Under Secy.

प्रवेश

नई दिल्ली, 26 अप्रैल, 1991

स्टाम्प

का.मा. 1352 : —भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मे. गरवारे शिपिंग कॉर्पोरेशन लिमिटेड, बम्बई को मात्र तीन लाख, बाईस हजार छः सौ सत्ताईस रुपए पचास पैसे के समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है, जो उक्त कॉर्पोरेशन के द्वारा जारी किए जाने वाले मात्र तीन करोड़, सत्तासी लाख, पन्द्रह हजार, तीन सौ रुपए के कुल मूल्य के 90-90 रुपए के अंकित मूल्य के 1 से 28000 तक की क्रम संख्या वाले ऋण प्रमाण पत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 23/91-स्टाम्प फा.सं. 33/76/90-बि.क.]

ठाकुर दत्त, उप सचिव

ORDER

New Delhi, the 26th April, 1991

STAMPS

S.O. 1352.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Messrs Garware Shipping Corporation Limited, Bombay, to pay consolidated stamp duty of rupees three lakhs, twenty-two thousand, six hundred twenty seven and paise fifty only, chargeable on account of the stamp duty on debenture certificates bearing serial numbers 1 to 28,000 of the face value of Rs. 90 each of the aggregate value of rupees three crores, eighty-seven lakhs fifteen thousand and three hundred only to be issued by the said Corporation.

[No. 23/91-Stamp. F. No. 33/76/90-ST.]

THAKUR DATT, Dy. Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 22 अप्रैल, 1991

का.मा. 1353 : —प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय, (आर्थिक कार्य विभाग) वैकिंग प्रभाग की दिनांक 18 जनवरी, 1985 की अधिसूचना का.मा.सं. 25(ख) में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "अम्बाला और कुरुक्षेत्र जिलों" शब्दों के स्थान पर अम्बाला, कुरुक्षेत्र कैथल और यमुनानगर जिलों" शब्दों को प्रतिस्थापित किया जाए।

[सं. एफ.-1-5/90-प्रार.प्रार.बी.]

(Department of Economic Affairs)

Banking Division)

New Delhi, the 22nd April, 1991

S.O. 1353.—In exercise of the power conferred by sub-section (2) of section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance, (Department of Economic Affairs), Banking Division No. S.O. 25(E) dated the 18th January, 1985, namely:—

In the said notification, for the words 'districts of Ambala and Kurukshetra' the words 'districts of Ambala, Kurukshetra, Kaithal and Yamunanagar' shall be substituted.

[No. F. 1-5/90-RRB]

नई दिल्ली, 1 मई, 1991

का.मा. 1354 : —भारतीय रिजर्व बैंक की संस्तुति पर, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा घोषणा करती है कि निम्नलिखित बैंकों के मामले में 30 जून, 1990 को समाप्त वर्ष के लिए उनके द्वारा उनके तुलन पत्र, लाभ-हानि लेखे एवं लेखा परीक्षक की रिपोर्टें समाचार पत्रों में प्रकाशित करने के संबंध में बैंककारी विनियमन (सहकारी समितियां) नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपबंध उन पर लागू नहीं होंगे।

1. दि अड्डर को-ऑपरेटिव ग्राम बैंक लि.
2. दि बडागरा को-ऑपरेटिव ग्राम बैंक लि.
3. दि कोस्टल ग्राम को-ऑपरेटिव बैंक लि.
4. दि करुणागप्पल्ली तालुका ग्राम को-ऑपरेटिव बैंक लि.
5. दि कटप्पना ग्राम को-ऑपरेटिव बैंक लि.
6. दि कोप्पामूर को-ऑपरेटिव ग्राम बैंक लि.
7. दि सोरनूर को-ऑपरेटिव ग्राम बैंक लि.
8. दि नेम्मारा को-ऑपरेटिव ग्राम बैंक लि.

[एफ.सं. 6-5/91-ए.सी.]

पी.के. तेजयाम, धर सचिव

New Delhi, the 1st May, 1991

S.O. 1354.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provision of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the undernoted banks in so far as they relate to the publication of their balance sheet and profit and loss account for the year ended 30 June, 1991 together with the auditor's report in the news paper.

1. The Addor Co-operative Urban Bank Ltd.,
2. The Badagara Co-operative Urban Bank Ltd.,
3. The Coastal Urban Co-operative Urban Bank Ltd.,
4. The Karunagappally Taluk Urban Co-operative Bank Ltd.,
5. The Kottappana Urban Co-operative Bank Ltd.,

6. The Meppayur Co-operative Urban Bank Ltd.,
7. The Shoranpur Co-operative Urban Bank Ltd.,
8. The Nemmara Co-operative Urban Bank Ltd.,

[F. No. 6-5/91-AC]
P. K. TEJYAN, Under Secy.

मुख्य आयकर आयुक्त II का कार्यालय
कलकत्ता 4 मार्च, 1991

का.प्र.1355:—आयकर अधिनियम, 1961 की धारा 120 की उपधारा (1) और (2) द्वारा और इस दिशा में सक्षम बनाने वाली अन्य शक्तियों का प्रयोग करते हुए, मैं, मुख्य आयकर आयुक्त-II, कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर अधिकारियों/सहायक आयकर आयुक्त (स्रो. प. का. क) निम्नलिखित अधिसूचना।

- (1) अधिसूचना संख्या 9187/89-90 दिनांक 11-9-1989, शापन संख्या प्र.प्र./मुख्या./तक./345/89-90/9118—9222 तारीख 11-9-89, और
- (2) अधिसूचना संख्या 20/90-91 दिनांक 4-3-1991, शापन संख्या लेखा/मुख्या./योजना/345/99-90 12909-13508

दिनांक 4-3-1991 द्वारा सौंपी गई क्षेत्राधिकार के अतिरिक्त आयकर अधिनियम, 1961 के अध्याय-13 सी की धारा 131, 133, 133-ए, 133-बी और 134 के उपबन्धों के अधीन सभी निर्धारितियों के बारे में उपरोक्त आयकर अधिकारी/निर्धारण अधिकारी को उपरोक्त अधिसूचनाएं दिनांक 11-9-1989 तथा 4-3-1993 में निहित क्षेत्राधिकार के सम्बन्ध में शक्तियों का प्रयोग और कृत्यों का पालन करेंगे। ये आयकर अधिकारियों/सहायक आयकर आयुक्त (स्रो.प.का. क) आयकर उपायुक्त, रेंज-17, कलकत्ता के अधीन हैं जो कि प्र.आ., प.अ.-10, कलकत्ता के प्रशासनिक नियंत्रण में हैं।

2. यह अधिसूचना दिनांक 18-03-1991 से लागू है।

[अधिसूचना संख्या-22/90-91]

के.के. वीर, मुख्य आयकर आयुक्त-II

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME TAX-II

Calcutta, the 4th March, 1991

S.O. 1355.—In exercise of the powers conferred by sub-sections (1) and (2) of section 120 of the Income Tax Act, 1961 and all other powers enabling me in this behalf, I the Chief Commissioner of Income Tax-II, Calcutta, hereby direct that the Income Tax Officers/Assistant Commissioner of Income Tax (TDS) under the Deputy Commissioner of Income Tax, Range-17, Calcutta, who is under the administrative control of the Commissioner of Income Tax, West Bengal-X, Calcutta, shall, in addition to the jurisdiction already assigned to them vide—

- (i) Notification No. 9187/89-90 dated 11-9-1989 vis-a-vis Memo No. ITO/HQ/Tech/345/89-90/9188-9222 dated 11-9-1989 and
- (ii) Notification No. 20/90-91 dated 4-3-1991 vis-a-vis Memo No. AC/HQ/Planning/345/89-90 12909—13588 dated 4-3-1991,

exercise powers and functions under the provisions of Sections 131, 133, 133A, 133B and 134 of Chapter-XIIC of the Income Tax Act, 1961 in respect of all the assesseees over which the aforesaid Income Tax Officers/Assessing Officers have been vested with Jurisdiction in terms of the aforesaid Notifications of 11-9-1989 and 4-3-1991.

2. This Notification will come into effect from 18-3-1991.
[Notification No. 22/90-91]

K. K. VEER, Chief Commissioner of Income Tax-II

कलकत्ता, 4 मार्च, 1991

का. प्र. 1356.—आयकर अधिनियम, 1961 की धारा 120 की उप-धारा (1) और (2) द्वारा और इस दिशा में सक्षम बनाने वाली

अन्य शक्तियों का प्रयोग करते हुए, मैं, मुख्य आयकर आयुक्त-II, कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर अधिकारियों/सहायक आयकर आयुक्त (स्रो. प. का. क) निम्नलिखित अधिसूचना

- (1) अधिसूचना संख्या 9187/89-90 दिनांक 11-9-89, शापन संख्या प्र. प्र./मुख्या./तक./345/89-90/9188-9222 तारीख 11-9-1989, और
- (2) अधिसूचना संख्या 18/90-91 दिनांक 4-3-1991, शापन संख्या लेखा/मुख्या./योजना/345/89-90/11109—11708 तारीख 4-3-1991

द्वारा सौंपी गई क्षेत्राधिकार के अतिरिक्त आयकर अधिनियम, 1961 के अध्याय-13 सी की धारा 131, 133, 133बी और 134 के उप-बन्धों के अधीन सभी निर्धारितियों के बारे में उपरोक्त आयकर अधिकारी/निर्धारण अधिकारी को उपरोक्त अधिसूचनाएं दिनांक 11-9-1989 तथा 4-03-1991 में निहित क्षेत्राधिकार के सम्बन्ध में शक्तियों का प्रयोग और कृत्यों का पालन करेंगे। ये आयकर अधिकारियों/सहायक आयकर आयुक्त (स्रो. प. का. क) आयकर उपायुक्त, रेंज-19, कलकत्ता और आसनसोल रेंज, आसनसोल के अधीन हैं जो कि प्र. आ. प. अ.-16, कलकत्ता के प्रशासनिक नियंत्रण में हैं।

7. यह अधिसूचना दिनांक 18-03-1991 से लागू है।

[अधिसूचना संख्या : 21/90-91]

वी. के. सिन्हा, मुख्य आयकर आयुक्त-III, कलकत्ता।

Calcutta, the 4th March, 1991

S.O. 1356.—In exercise of the powers conferred by sub-sections (1) and (2) of section 120 of the Income Tax Act, 1961 and all other powers enabling me in this behalf, I, the Chief Commissioner of Income Tax-III, Calcutta hereby direct that the Income Tax Officers/Assistant Commissioners of Income Tax (TDS) under the Dy. Commissioners of Income Tax, Range-19 Calcutta and Asansol Range, Asansol, who are under the administrative control of the C.I.T., WB-XI Calcutta, shall in addition to the jurisdiction already assigned to them vide :

- (i) Notification No. 9187/89-90 dated 11-9-1989 vide Memo No. ITO/HQ/Tech/345/89-90/9188-9222 dated 11-9-1989, and
- (ii) Notification No. 18/90-91 dated 3-4-1997 vide Memo No. AC/HQ/Planning/345/89-90/11109 dated 4-3-1991.

exercise powers and functions under the provisions of Sections 131, 133, 133A, 133B and 134 of Chapter-XIIC of the Income Tax Act, 1961 in respect of all the assesseees over which the aforesaid Income Tax Officers/Assessing Officers have been vested with Jurisdiction in terms of the aforesaid Notifications of 11-9-1989 and 4-3-1991.

2. This Notification will come into effect from 18-3-1991.

[Notification No. 21/90-91]

V. K. SINHA, Chief Commissioner of Income Tax-III

कलकत्ता, 6 मार्च, 1991

का. प्र. 1357.—आयकर अधिनियम, 1961 की धारा 120 की उप-धारा (1) और (2) द्वारा और इस दिशा में सक्षम बनाने वाली अन्य शक्तियों का प्रयोग करते हुए, मैं, मुख्य आयकर आयुक्त, कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर अधिकारियों/सहायक आयकर आयुक्त (स्रो. प. का. क) निम्नलिखित अधिसूचना

(1) अधिसूचना संख्या—919187/89-90 दिनांक 11-9-1989
जापन संख्या—घा. घा./मुम्बा./तक./345/89-90/9188-
9222 दिनांक 11-9-1989, और

(2) अधिसूचना संख्या 19/90-91 दिनांक 3-4-1991, जापन
संख्या/ लेखा/ मुम्बा./ गोरगा/ 345/ 89-90 12908
दिनांक 4-3-1991

द्वारा सीपी गई क्षेत्राधिकार के प्रतिरिक्त आयकर अधिनियम, 1961 के
अध्याय-13 सी की धारा 131, 133, 133ए, 133बी और 134 के
उपबन्धों के अधीन सभी निर्धारितियों के बारे में उपरोक्त आयकर अधिकारी/
निर्धारण अधिकारी के उपरोक्त अधिसूचना दिनांक 11-9-1989 तथा
04-03-1991 में निहित क्षेत्राधिकार के सम्बन्ध में शक्तियों का प्रयोग
और कृत्यों का पालन करेंगे।

ये आयकर अधिकारियों/सहायक आयकर आयुक्तों (स्रो. प. का. क.)
आयकर उपायुक्त जलपाईगुरी रेंज, जलपाईगुरी और रेंज-10, कलकत्ता
के अधीन हैं जो कि आयकर आयुक्त, पश्चिम बंगाल-1 और पश्चिम
बंगाल-8, कलकत्ता के प्रशासनिक नियंत्रण में हैं।

2. यह अधिसूचना दिनांक 18-3-1991 से लागू है।

[संख्या /23/90-91]

डॉ. एन. आर. शिवस्वामी, मुख्य आयकर आयुक्त,

Calcutta, the 6th March, 1991

S.O. 1357.—In exercise of the powers conferred by sub-sections (1) and (2) of section 120 of the Income Tax Act, 1961 and all other powers enabling me in this behalf, I, the Chief Commissioner of Income-tax Calcutta, hereby direct that the Income Tax Officers/Assistant Commissioners of Income Tax (TDS) under the Deputy Commissioners of Income-tax, Jalpaiguri Range, Jalpaiguri and Range-10, Calcutta who are under the administrative control of the Commissioner of Income-tax West Bengal-I and West Bengal-VIII, Calcutta, respectively, shall, in addition to the jurisdiction already assigned to them vide :

(i) Notification No. 9187/89-90 dated 11-9-1989 vis-a-vis Memo No. ITO/HQ/Tech/345/89-90/9188-9222 dated 11-9-1989, and

(ii) Notification No. 19/90-91 dated 3-4-1991 vide Memo No. AC/HQ/Plauring 345/89-90/12908 dated 4-3-1991.

exercise powers and functions under the provisions of Sections 131, 133, 133A, 133B and 134 of Chapter-XIIC of the Income Tax Act, 1961 in respect of all the assesseees over which the aforesaid Income Tax Officers/Assessing Officers have been vested with Jurisdiction in terms of the aforesaid Notifications of 11-9-1989 and 4-3-1991.

2. This Notification will come into effect from 18-3-1991.

[No. 23/90-91]

DR. N. R. SIVASWAMY, Chief Commissioner of
Income-Tax, Calcutta

बाणिज्य मंत्रालय

प्रदेश

नई दिल्ली, 29 अप्रैल, 1991

का. घा. 1358.—केन्द्रीय सरकार की राय है कि निर्यात
(क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22)
की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, नाशकजीबमार तथा
उसकी विनिर्मितियों से संबंधित भारत सरकार के बाणिज्य मंत्रालय के
आदेश सं. का. घा. 3310 तारीख 7 अक्टूबर, 1970 में नीचे
विनिर्दिष्ट रीति से सशोधन करना आवश्यक तथा समीचीन है ;

और केन्द्रीय सरकार ने उक्त प्रयोग के लिए नीचे विनिर्दिष्ट प्रस्ताव
बनाए हैं और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964
के नियम 11 के उप नियम (2) की अपेक्षानुसार उन्हें निर्यात निरीक्षण
परिषद को भेज दिया है ;

अतः अब केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त
प्रस्ताव को ऐसे लोगों की जानकारी के लिए प्रकाशित करती है, जिनके
उपरोक्त प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आपक्ष
या सुझाव भेजने की बाधा करने वाला कोई व्यक्ति उन्हें इस आदेश के
राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर उन्हें निर्यात
निरीक्षण परिषद, प्रगति टावर, 11वीं मंजिल, 26 राजेश्वरी प्लेस, नई
दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के बाणिज्य मंत्रालय की अधिसूचना सं. का. घा.
3310 तारीख 7 अक्टूबर, 1970 में—

(क) उपखंड-1 में निम्नलिखित क्रम संख्याओं का लोप किया
जाएगा—

23. 2,4-डी सोडियम, तकनीकी
31. 2,4-डी तरल एमिन नमक
61. 2,4-डी तकनीकी
65. विनापात्राहल पायसीकृत दाने
67. टोक्साफेन, तकनीकी
78. कपूसाकसूरल, तकनीकी
88. हेप्टाक्लोर पायसीकृत दाने
89. सल्फर डस्टिंग पूर्ण
95. 2,4-डी एथिल इस्टर्स
96. कारबेरियल, तकनीकी
100. टोक्साफेन पायसीकृत दाने
106. डायसलफोटोन तकनीकी
109. मोनोक्रोटोफोस, तकनीकी
111. प्रोपेनिल पायसीकृत दाने
114. प्रोपेनिल तकनीकी
116. मोनोक्रोटोफोस पानी में घुलनशील दाने
117. आक्सीडिसेटन मैथाइल तकनीकी दाने
118. आक्सीडिसेटन मैथाइल पायसीकृत दाने
119. डालाफोन—सोडियम तकनीकी
120. डालाफोन—सोडियम पानी में घुलनशील पूर्ण
123. एम सी पी ए का तरल एसोइन नमक
124. कारबेनडाजिम (एम बी सी) तकनीकी
125. कारबेनडाजिम (एम बी सी) पानी में घुलनशील पूर्ण दाने
129. एम सी पी ए तकनीकी
130. प्रोपोक्तर, तकनीकी
131. पैराक्यूट डीक्लोरोड पानी में घुलनशील दाने
132. टेमफोम पायसीकृत दाने
133. टेमफोस तकनीकी
136. मेनकोजेब तकनीकी
137. मेनकोजेब, पानी में घुलनशील पूर्ण दाने
138. क्लोरोफीरीफोस पायसीकृत दाने
141. नाइट्रोफोन तकनीकी
142. नाइट्रोफोन पायसीकृत दाने
149. सल्फोर तकनीकी
150. एलक्लोर पायसीकृत दाने
153. टाइलेट, तकनीकी
154. ट्राइलेट पायसीकृत दाने

156. कार्बोक्सेटोन दानेदार संपुटित
 157. एलबलोर दानेदार
 172. 2,4-डी एथिल ईस्टर पायसीकृत दाने ।
 173. 2,4-डी एथिल ईस्टर पानी में घुलनशील चूर्ण ।

172. 2,4-डी एथिल ईस्टर पायसीकृत दाने भा. मा. : 10243—1982
 173. 2, 4-डी एथिल ईस्टर पानी में घुलनशील चूर्ण भा. मा. : 10344—1982

(ख) उपाखंड-II में निम्नलिखित कम संख्याओं का जोड़ किया गया है—

[फाइनल स. 6(4)/90-ई आई एण्ड ई पी]

23. कापर आक्सीक्लोराइड तकनीकी भा. मा. : 1498—1985
 31. 2,4-डी का तरल ऐमिन नामक भा. मा. : 1827—1984
 61. 2,4-डी तकनीकी भा. मा. : 4321—1978
 65. बिनापाक्राइल पायसीकृत दाने भा. मा. : 4325—1967
 66. टोक्साफेन तकनीकी भा. मा. : 4451—1967
 78. क्यूमाफयुरिल तकनीकी भा. मा. : 5526—1969
 88. हेप्टाक्लोरा पायसीकृत सांद्रित भा. मा. : 6439—1978
 89. सल्फरडस्टिंग चूर्ण भा. मा. : 6144—1979
 95. 2,4-डी एथिल ईस्टर भा. मा. : 7233—1985
 96. कार्बोक्सेटोन तकनीकी भा. मा. : 7539—1975
 100. टोक्साफेन पायसीकृत दाने भा. मा. : 7946—1976
 101. टोक्साफेन डस्टिंग चूर्ण भा. मा. : 7947—1976
 106. डायसल्फोटेन तकनीकी भा. मा. : 7977—1976

109. मोनोक्रोटोफोस तकनीकी भा. मा. : 8025—1983
 111. प्रोपेनोल पायसीकृत दाने भा. मा. : 8027—1976
 114. प्रोपेनोल तकनीकी भा. मा. : 8071—1976
 116. मोनोक्रोटोफोस पानी में घुलनशील दाने भा. मा. : 8074—1983

117. आक्सीडेमेटन मैथिल तकनीकी दाने भा. मा. : 8258—1976
 118. आक्सीडेमेटन पायसीकृत दाने भा. मा. : 8259—1976
 119. डालापोल सोडियम तकनीकी भा. मा. : 8267—1976
 120. डालापोल सोडियम पानी में घुलनशील चूर्ण भा. मा. : 8286—1976

123. एस सी पी ए का तरल एमाइन नामक भा. मा. : 8294—1976
 124. कार्बेनडाइनिम (एम थ्री सी) तकनीकी भा. मा. : 8445—1977
 125. कार्बेनडाइनिम (एम थ्री सी) पानी में घुलनशील चूर्ण भा. मा. : 8446—1977
 129. एस सी पी ए तकनीकी भा. मा. : 8494—1977
 130. प्रोपेनोल तकनीकी भा. मा. : 8496—1977
 131. पैसक्यूटर डायक्लोरेड पानी में घुलनशील दाने भा. मा. : 9497—1982

132. टेमफोस पायसीकृत दाने भा. मा. : 9498—1977
 133. टेमफोस तकनीकी भा. मा. : 9701—1978
 138. मेनकोजेब तकनीकी भा. मा. : 8707—1978
 137. मेनकोजेब पानी में घुलनशील सांद्रित चूर्ण भा. मा. : 8708—1978

138. क्लोरोक्लोरोफोस पायसीकृत दाने भा. मा. : 8944—1978
 141. नाइट्रोफेन तकनीकी भा. मा. : 8956—1978
 142. नाइट्रोफेन पायसीकृत दाने भा. मा. : 8957—1978
 149. एलबलोर तकनीकी भा. मा. : 9353—1980
 150. एलबलोर पायसीकृत दाने भा. मा. : 9354—1980
 153. ट्राइक्लोर तकनीकी भा. मा. : 9357—1980
 151. ट्राइक्लोर पायसीकृत दाने भा. मा. : 9358—1980

156. कार्बोक्सेटोन दानेदार संपुटित भा. मा. : 9360—1980
 157. एलबलोर दानेदार भा. मा. : 9361—1980

MINISTRY OF COMMERCE

ORDERS

New Delhi, the 29th April, 1991

S.O. 1358.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the Order of the Government of India in the Ministry of Commerce, No. S.O. 3310, dated 7th October, 1970 relating to Pesticides and their Formulations in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by Sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

In the notification of the Government of India in the Ministry of Commerce, No. S.O. 3310, dated the 7th October, 1970;—

(a) in Annexure-I, the following serial numbers shall be omitted, namely:—

23. (2, 4-D Sodium, Technical);
 31. (Liquid amine salts of 2, 4-D);
 61. (2, 4-D Technical);
 65. (Binapacryl emulsifiable concentrates);
 67. (Toxaphene, technical);
 78. (Coumafuryl, technical);
 88. (Heptachlor emulsifiable concentrates);
 89. (Sulphur dusting powder);
 95. (2, 4-D Ethyl Esters);
 96. (Carbaryl, technical);
 100. (Toxaphene emulsifiable concentrates);
 101. (Dexamphene dusting powder);
 106. (disulfoton, technical);
 109. (Monocrotophos, technical);
 111. (Propanil, technical);
 114. (Propanil emulsifiable concentrates);
 116. (Monocrotophos water soluble concentrates);
 117. (Oxydemeton—Methyl Technical concentrates);
 118. (Oxydemeton; Methyl emulsifiable concentrates);
 119. (Dalapon—Sodium technical);
 120. (Dalapon—Sodium water soluble powder);
 123. (Liquid amine Salts of MCPA);

124. (Carbendazim (MBC) technical);
 125. (Carbendazim (MBC) water dispersible powder concentrates);
 129. (MCPA, technical);
 130. (Propoxur, technical);
 131. (Paraquat dichloride water soluble concentrates);
 132. (Temephos emulsifiable concentrates);
 133. (Temephos, technical);
 136. (Mancozeb, technical);
 137. (Mancozeb, water dispersible powder concentrates);
 138. (Chlorpyrifos emulsifiable concentrates);
 138. (Nitrofen, technical);
 142. (Nitrofen, emulsifiable concentrates);
 149. (Alachlor, technical);
 159. (Alachlor, emulsifiable concentrates);
 153. Triallate technical);
 154. (Triallate, emulsifiable concentrates);
 156. (Carbofuran granules, encapsulated);
 157. (Alachlor granules);
 172. (2, 4-D Ethyl Ester emulsifiable concentrates);
 173. (2, 4-D, Ethyl Ester water dispersible powders);

(b) in Annexure-II, the following serial numbers shall be omitted, namely:—

23. (2, 4-D Sodium technical IS : 1488-1985);
 31. (Liquid amine salts of 2, 4-D IS : 1827-1984);
 61. (2, 4-D technical IS : 4321-1978);
 65. (Binapacry emulsifiable concentrates IS : 4325-1967);
 67. (Tovaphene, technical
 78. (Coumafuryl technical IS : 5526-1969);
 88. (Heptachlor emulsifiable concentrates IS : 6439-1978);
 89. (Sulphur dusting powder IS : 6444-1979);
 95. (2, 4-D Ethylesters IS : 7233-1985);
 96. (Carbaryl technical IS : 7539-1975);
 100. (Toxaphene emulsifiable IS : 7946-1976);
 101. (Toxaphene dusting powders IS : 7947-1976);
 106. (Disulfoton, technical IS : 7977-1976);
 109. (Monocrotophos, technical IS : 8025-1983);
 111. (Propanil emulsifiable concentrates IS : 8027-1976);
 114. (Propanil, technical IS : 8071-1976);
 116. (Monocrotophos water soluble concentrates /S : 8074-1983);
 117. (Oxydemeton-methyl technical concentrates IS : 8258-1976);
 118. (Oxydemeton-methyl emulsifiable concentrates IS : 8259-1976);
 119. (Dalapon-sodium technical IS : 8267-1976);
 120. (Dalapon-sodium water soluble powder IS : 8286-1976);
 123. (Liquid amine salts of MCPA IS : 8284-1976);
 124. (Carbendazim (MBC) technical IS : 8445-1977);
 125. (Carbendazim (MBC) water dispersible powder concentrates IS : 8446-1977);
 129. (MCPA, technical IS : 8494-1977);
 130. (Propoxur, technical IS : 8496-1977);
 131. (Paraquat dichloride water soluble concentrates IS : 8497-1982);
 132. (Temephos emulsifiable concentrates IS : 8498-1977);
 133. (Temephos, technical IS : 8701-1978);
 136. (Mancozeb, technical IS : 8707-1978);
 137. (Mancozeb, water dispersible powder concentrates IS : 8708-1978);
 138. (Chlorpyrifos emulsifiable concentrates IS : 8944-1978);
 141. (Nitrofen technical IS : 8956-1978);
 142. Nitrofen emulsifiable concentrates IS : 8957-1978);

149. (Alachlor, technical IS : 9353-1980);
 150. (Alachlor emulsifiable concentrates IS : 9354-1980);
 153. (Triallate, technical IS : 9357-1980);
 154. (Triallate emulsifiable concentrates IS : 9358-1980);
 156. (Carbofuran granules, encapsulated IS : 9360-1980);
 157. (Alachlor granules IS : 9361-1980);
 172. (2, 4-D Ethylester emulsifiable concentrates IS : 1023-1982);
 173. (2, 4-D Ethylester water dispersible powders IS : 1024-1982);

[F. No. 6/4/90-EI&EP]

Footnote.—The Principal notification was published vide S.O. No. 3310 dated 7th October, 1970 in the Gazette of India, Part-II, Section 3, Sub-section (ii).

आदेश

का. भा. 1359.—केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, कगई धोने के साधन से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 1771 तारीख 7 जून, 1966 को नीचे विनिर्दिष्ट रीति से विज्ञापित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें नियम (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षाानुसार नियम निरीक्षण परिषद को भेज दिया है,

अतः, अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई अपील या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद, प्रगति टावर, 11 वीं मंजिल, 26, राजेन्द्र प्लेस, नवी दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 1771 तारीख 7 जून, 1966 को विज्ञापित किया जाता है।

[का. भा. सं. 6(4)/90—ई.आई.एण्ड.ई.पी.]

पाद टिप्पण:—मूल अधिसूचना भारत के राजपत्र, भाग-II, खंड-3, उप खंड-(ii) में का. भा. सं. 1771 तारीख 7-6-1966 द्वारा प्रकाशित की गई थी।

ORDER

S.O. 1359.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce S.O. No. 1771, dt. the 7th June, 1966 relating to laundry soap in the manner specified below:

And, whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said

proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce, No. S.O. 1771, dated the 7th June, 1966 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The Principal notification was published vide S.O. No. 1771 dated 7th June, 1966 in the Gazette of India, Part-II, Section 3, sub-section (ii).

का. प्रा. 1360.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जल प्रशीतकों से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. प्रा. 2352 तारीख 14 सितम्बर, 1974 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आपक्ष या मुद्दा भेजने की बाधा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस, नयी दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. प्रा. 2352 तारीख 14 सितम्बर, 1974 को विखण्डित किया जाता है।

[फाईल सं. 6/4/90-ई. आई. एण्ड ई. पी.]

पाठ टिप्पण—मूल अधिसूचना भारत के राजपत्र, भाग-2, खंड-3, उपखंड-

(ii) में सं. का. प्रा. 2352 तारीख 14 सितम्बर, 1974 द्वारा प्रकाशित की गयी थी।

S.O. 1360.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 2352, dated the 14th September, 1974 relating to water coolers in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 2352, dated the 14th September, 1974 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The principal notification was published vide S.O. No. 2352, dated 14th September, 1974 in the Gazette of India, Part-II, Section 3, Sub-section (ii).

का. प्रा. 1361.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पारेषण लाईन टावर से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. प्रा. 5576 तारीख 25 सितम्बर, 1971 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आपक्ष या मुद्दा भेजने की बाधा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. प्रा. 5576 तारीख 25 सितम्बर, 1971 को विखण्डित किया जाता है।

[फाईल सं. 6/4/90-ई. आई. एण्ड ई. पी.]

पाठ टिप्पण : मूल अधिसूचना भारत के राजपत्र भाग-2, खंड-3, उपखंड (ii) में सं. का. प्रा. 5576 तारीख 25 सितम्बर, 1971 द्वारा प्रकाशित की गई थी।

S.O. 1361.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 5576 dated the 25th December, 1971 relating to transmission line towers in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 5576, dated the 25th December, 1971 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The principal notification was published vide S.O. No. 5576 dated 25th December, 1971 in the Gazette of India, Part-II, Section 3 Sub-section (ii).

का. मा. 1362.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कक्ष बानानुकूलकों से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. मा. 2355 तारीख 14 सितम्बर 1974 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आपक्ष या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद, प्रगति टावर, 11 वीं मंजिल, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय का आदेश सं. का. मा. 2355 तारीख 14 सितम्बर, 1974 को विखण्डित किया जाता है।

[फाईल सं. 6/4/90 - ई. आई. एंड ई. पी.]

पाठ टिप्पण : मूल अधिसूचना भारत के राजपत्र भाग-2, खंड-3, उपखंड - (ii) में सं. का. मा. 2355 तारीख 14 सितम्बर, 1974 द्वारा प्रकाशित की गई थी।

S.O. 1362.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 2355 dated the 14th September, 1974 relating to room air-conditioners in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 2355 dated the 14th September, 1974 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The principal notification was published vide S.O. No. 2355 dated 14th September, 1974 in the Gazette of India Part-II, Section 3, Sub-section (ii).

का. मा. 1363.—केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रोजीन से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. मा. 575 तारीख 25 फरवरी, 1978 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आपक्ष या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद, प्रगति टावर, 11 वीं मंजिल, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. मा. 575 तारीख 25 फरवरी, 1978 को विखण्डित किया जाता है।

[फा. सं. 6 (4)/90 - ई आई एंड ई पी]

पाठ टिप्पण : मूल अधिसूचना भारत के राजपत्र, भाग-2 खंड-3 उपखंड - (ii) में का. मा. 575 तारीख 25-2-1978 द्वारा प्रकाशित की गई थी।

S.O. 1363.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 575, dated the 25th February, 1978 relating to Rosin in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 575, dated the 25th February, 1978 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The principal notification was published vide No. S.O. 575 dated 25th February, 1978, in the Gazette of India, Part-II, Section 3, Sub-section (ii).

का. भा. 1364.—केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सल्फ्यूरिक अम्ल से संबंधित भारत सरकार के बाणिज्य मंत्रालय के आदेश सं. का. भा. 2967 तारीख 6 अक्टूबर 1973 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आक्षेप या सुझाव भेजने की बांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर निर्यात निरीक्षण परिषद: प्रगति टावर, 11वीं मंजिल, 26 राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के बाणिज्य मंत्रालय के आदेश सं. का. भा. 2967 तारीख 6 अक्टूबर, 1973 विखण्डित किया जाता है।

[फाईल सं. 6 (4)/90 - ई आई एंड ई पी]

पाठ टिप्पण: मूल अधिसूचना भारत के राजपत्र भाग-2, खंड-3 उपखंड - (ii) में सं. का. भा. 2967 तारीख 6-10-1973 द्वारा प्रकाशित की गई थी।

S.O. 1364.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 2967, dated the 6th October, 1973 relating to Sulphuric Acid in the manner specified below;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 2967, dated the 6th October, 1973 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

Footnote.—The principal notification was published vide S.O. No. 2967, dated 6th October, 1973 in the Gazette of India Part-II, Section 3, Sub-section (ii).

का. भा. 1365.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भस्मि से संबंधित भारत सरकार के बाणिज्य मंत्रालय के आदेश सं. का. भा. 1221 तारीख 28

मार्च, 1984 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है:

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है:

अतः अब केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है:

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आक्षेप या सुझाव भेजने की बांछा करने वाला कोई व्यक्ति जिन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद: प्रगति टावर, 11वीं मंजिल, 26 राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के बाणिज्य मंत्रालय के आदेश सं. का. भा. 1221 तारीख 28 मार्च, 1984 को विखण्डित किया जाता है।

[फा. सं. 6 (4)/90 - ई आई एंड ई पी]

पाठ टिप्पण: मूल अधिसूचना भारत सरकार के राजपत्र भाग-2, खंड-3 उपखंड - (ii) में का. भा. सं. 1221 तारीख 28-3-1984 द्वारा प्रकाशित की गई थी।

S.O. 1365.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the order of the Government of India in the Ministry of Commerce No. S.O. 1221 dated the 28th March, 1984 relating to safety matches in the manner specified below;

And, whereas, the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 1221, dated the 28th March, 1984 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

FOOTNOTE.—The principal notification was published vide S.O. No. 1221 dated 28-3-1984 in the Gazette of India, Part II, Section 3, sub-section (ii).

का. भा. 1366.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विस्तारित धातु हस्तात की कवचों से संबंधित भारत सरकार के बाणिज्य मंत्रालय के आदेश सं. का. भा. 4574 तारीख 19 दिसम्बर, 1987 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (स्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की प्रपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है,

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उग्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई यदि आक्षेप या सुझाव भेजने की बांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद्, प्रगति टावर, 11 वीं मंजिल, 26 राजेन्द्र प्लेस, नयी दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं.का.भा. 4574 तारीख 19 दिसम्बर, 1967 को विखण्डित किया जाता है।

[फाईल सं. 6-4-90-ई.आई. एण्ड ई.पी.]

एव टिप्पण : मूल अधिसूचना, भारत के राजपत्र भाग-2, खंड-3, उपखंड (ii) में सं. का.भा. 4574 तारीख 19 दिसम्बर, 1967 द्वारा प्रकाशित की गयी थी।

S.O. 1366.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 4574 dated the 19th December, 1967 relating to expanded metal steel sheets in the manner specified below;

And, whereas, the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2., Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within forty five days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower (11th floor), 26, Rajendra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce, No. S.O. 4574 dated the 19th December, 1967 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

FOOT NOTE.—The principal Notification was published vide S.O. No. 4574 dated 19-11-1967 in the Gazette of India Part II, Section 3, sub-section (ii).

का.भा. 1367.—केन्द्रीय सरकार की राय है कि निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, बरेलू रेफ्रिजरेटर से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं.का.भा. 2350 तारीख 14 सितम्बर, 1974 को नीचे विनिर्दिष्ट ढंग से रद्द करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (स्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की प्रपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है,

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को, उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आक्षेप या सुझाव भेजने की बांछा करने वाला व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद्, प्रगति टावर, 11 वीं मंजिल, 26 राजेन्द्र प्लेस, नयी दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं.का.भा. 2350 तारीख 14 सितम्बर, 1974 को विखण्डित किया जाता है।

[फाईल सं. 6-4-90-ई.आई. एण्ड ई.पी.]

एव टिप्पण : मूल अधिसूचना भारत के राजपत्र, भाग-2, खंड-3, उपखंड (ii) तारीख 14 सितम्बर, 1974 में सं. का.भा. 2350 द्वारा प्रकाशित की गयी थी।

S.O. 1367.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the Order of the Government of India in the Ministry of Commerce No. S.O. 2350 dated the 14th September, 1974 relating to domestic refrigerators in the manner specified below:

And, whereas, the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within fortyfive days of the date of publication of this order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 2350, dated the 14th September, 1974 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

FOOT NOTE.—The Principal notification was published vide S.O. No. 2350 dated 14-9-1974 in the Gazette of India, Part II, Section 3, sub-section (ii).

का.भा. 1368.—केन्द्रीय सरकार की यह राय है कि निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए स्फुर प्रकाश से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का.भा. 2138 तारीख 22 जुलाई, 1978 को नीचे विनिर्दिष्ट रीति से विखण्डित करना आवश्यक तथा समीचीन है,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (स्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की प्रपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है।

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के संबंध में कोई आक्षेप या सुझाव भेजने की बांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर निर्यात निरीक्षण परिषद्, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का.आ. 2138 तारीख 22 जुलाई, 1978 को विध्वजित किया जाता है।

[फाइल सं. 6-4-90-ई. आई. एण्ड ई. पी.]

पाठ टिप्पण : मूल अधिसूचना, भारत के राजपत्र, भाग-2, खंड -3, उपखंड (ii) में सं. का.आ. 2138 तारीख 22 जुलाई, 1978 द्वारा प्रकाशित की गयी थी।

S.O. 1368.—Whereas the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to rescind the order of the Government of India in the Ministry of Commerce No. S.O. 2138, dated the 22nd July, 1978 relating to flashlights in the manner specified below;

And, whereas, the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect of the said proposal may forward the same within fortyfive days of the date of publication of this Order in the Gazette of India to the Export Inspection Council, Pragati Tower, 11th floor, 26, Rajindra Place, New Delhi-110008.

PROPOSAL

The Order of the Government of India in the Ministry of Commerce No. S.O. 2138, dated the 22nd July, 1978 is hereby rescinded.

[F. No. 6/4/90-EI&EP]

FOOT NOTE.—The Principal notification was published vide S.O. No. 2138 dated 22-7-1978 in the Gazette of India, Part II, Section 3, sub-section (ii).

नई दिल्ली 1 मार्च, 1991

का.आ. 1369:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वेस्ट कोलैल कैमिकल्स, कमर्शियल रोड, काकीनाडा-533007 को तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का निर्यात से पूर्व परीक्षण के लिए इस अधिसूचना प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत परीक्षण का प्रमाण पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई प्रगति की जांच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5 (8)/88-ई आई एण्ड ई पी.]

New Delhi, the 1st May, 1991

S.O. 1369.—In exercise of the powers conferred by Sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three year with effect from the date of publication of this notification M/s. Pest Control Chemicals, Commercial Road, Kakinada-533007 as an agency for the fumigation of De-oiled Rice Bran; and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of Rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[F. No. 5(8)/88-EI&EP]

का.आ. 1370:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि., एम.एल.एम बिल्डिंग नं. 5, बालासा रोड, मद्रास-600002 को यहाँ हमसे उपाखंड अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-I व ग्रुप-II का निर्यात से पूर्व निरीक्षण करने के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, अभिकरण के रूप में इन शर्तों के अधीन मान्यता देता है कि अभिकरण खनिज तथा अयस्क ग्रुप-I व ग्रुप-II के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के उपनियम (4) के अन्तर्गत इस संबंध में निर्यात निरीक्षण परिषद् के किसी भी अधिकारी को निरीक्षण प्रमाण-पत्र जारी करने के लिए उक्त अभिकरण द्वारा अपनाई गई निरीक्षण प्रणाली को जांच के लिए पर्याप्त सुविधाएं देगा।

अनुसूची

I. खनिज तथा अयस्क ग्रुप-I

1. मैंगनीज डायक्साइड रहित कच्चा मैंगनीज,
2. कच्चा लौहा,
3. फ़ैरीमैंगनीज स्लेग सहित, फ़ैरीमैंगनीज,
4. कैल्शियम बोक्साइड सहित बोक्साइड।

II. खनिज तथा अयस्क ग्रुप-II

1. मैंगनीज डायक्साइड,
2. क्रोम अयस्क, क्रोम चूर्ण सहित,
3. कायनाइट,
4. सिलिमनाइट
5. संकेंद्रित जिंक कच्चा जिंक, सहित
6. परिदग्ध और निस्तब्ध मैंगनेसाइट सहित मैंगनेसाइट,
7. बेराइलिन
8. लाज भावसाईड
9. पीला वैरिक,
10. सेल खंडी,
11. स्फटीय (फ़्लुस्पायर)

[फाइल सं. 5 (15)/88-ई. आई. एण्ड ई पी.]

S.O. 1370.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three year with effect from the date of publication of this notification M/s. J. B. Boda Surveyors Pvt. Ltd., M.L.M., Building, No. 5 Wallajah Road, Madras-600002 as an agency for the inspection of Minerals and Ores (Group-I and Group-II) specified in the

schedule annexed hereto prior to export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of Rule 4 of the Export of Minerals and Ores Group-I and Group-II (Inspection) Rules, 1965.

SCHEDULE

I. Minerals and Ore, (Group-I)

1. Manganese Ore, excluding manganese dioxide.
2. Iron Ore.
3. Ferromanganese including ferromanganese slag.
4. Bauxite, including calcined bauxite.

II. Minerals and Ores (Group-II)

1. Manganese Dioxide.
2. Chrome Ore, including Chrome concentrates.
3. Kyanite.
4. Sillimanite.
5. Zinc Ores, including zinc concentrates.
6. Magnesite, including dead-burnt and calcined magnesite.
7. Barytes.
8. Red oxide.
9. Yellow ochre.
10. Steatite.
11. Feldspar.

[F. No. 5(15)/88-EI&EP]

का.प्रा. 1371.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्ट मोर्टम इंडिया प्राइवेट लिमिटेड, 31-4-8/1 मैकावरी, स्ट्रीट काकिनाडा-533002 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा सींग तथा खुरों का निर्यात से पूर्व धुँधलीकरण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देता है कि उक्त अधिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात के (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धुँधलीकरण का प्रमाण पत्र देने के लिए उक्त अधिकरण द्वारा अपनाई गई पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिपत्र द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फा.सं. 5(3)86-ई आई एंड ई पी]

ए.के. चौधरी, निदेशक

S.O. 1371.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises for a period of three year with effect from the date of publication of this notification M/s. Pest Mortem (India) Pvt. Ltd., 31-4-8/1, Mekavari Street, Kakimada-533002 as an agency for the fumigation of (i) De-oiled Rice Bran; and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[F. No. 5(3)/86-EI&EP]

A. K. CHAUDHURI, Director

कल्याण मंत्रालय

महिला एवं बाल विकास विभाग

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले

में राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 26 अप्रैल 1991

का.प्रा. 1372.—पूर्व विन्यास अधिनियम, 1890 (1890 का 6)

की धारा 10 के अनुसरण में केन्द्रीय सरकार एतद्वारा आदेश देती है कि भारत के लिए पूर्व विन्यास के खजाने, भूतपूर्व वित्त मंत्रालय, आर्थिक कार्य विभाग, नार्थ ब्लॉक नई दिल्ली, में निहित तथा सचिव खजाने (राष्ट्रीय बाल कोष) के नामे जमा 35,00,000 रु. (35 लाख रुपये केवल मात्र) के अंकित मूल्य की निम्नलिखित प्रतिभूतियों संबंधी प्रतिदान प्राय की सचिव खजाने (राष्ट्रीय बाल कोष) के नामे अंतरित कर दिया जाए।

प्रतिभूतियों का विवरण	अंकित मूल्य	जिस तारीख को देय है
पंचवर्षीय ढाकखाना	35,00,000	26-4-1991
आवधिक जमा योजना		

[फा.सं. 13-7/90-टी धार. II]

एस.के. गुहा, निदेशक

MINISTRY OF WELFARE

(Department of Women & Child Development)

In the matter of the Charitable Endowments Act, 1890 (6 of 1890)

In the matter of the National Children's Fund, New Delhi

New Delhi, the 26th April, 1991

S.O. 1372.—In pursuance of Section 10 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the redemption proceeds in respect of the following securities of the face value of Rs. 35,00,000 (Rupees thirty five lakhs only) held in the name of Secretary-Treasurer (NCF) and vested in the Treasurer of Charitable Endowments for INDIA erstwhile Ministry of Finance, Department of Economic Affairs, North Block, New Delhi be transferred to the Secretary-Treasurer (NCF):

Description of Security	Face Value	Maturing on
Five Years Post Office Time Deposit Scheme:	Rs. 35,00,000	26 April 1991.

[F. No. 13-7/90-TR-II]

S. K. GUHA, Director

नई दिल्ली, 1 मई, 1991

का.प्रा. 1373.—पूर्व विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10 के अनुसरण में केन्द्रीय सरकार एतद्वारा आदेश देती है कि भारत के लिए पूर्व विन्यास के खजाने, भूतपूर्व वित्त मंत्रालय, आर्थिक कार्य विभाग, नार्थ ब्लॉक नई दिल्ली में निहित तथा सचिव खजाने (राष्ट्रीय बाल कोष) के नामे जमा 5,00,000 रु. (पाँच लाख रुपये केवल मात्र) के अंकित मूल्य की निम्नलिखित प्रतिभूतियों संबंधी प्रतिदान प्राय की सचिव खजाने (राष्ट्रीय बाल कोष) के नामे अंतरित कर दिया जाए।

प्रतिभूतियों का विवरण	अंकित मूल्य	जिस तारीख को देय है
पंचवर्षीय ढाकखाना आब-धिक जमा योजना	रु. 5,00,000/-	1-5-1991

[फा.सं. 13-7-91 टी धार. II]

New Delhi, the 1st May, 1991

S.O. 1373.—In pursuance of Section 10 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the redemption proceeds in respect of the following securities of the face value of Rs. 5,00,000 (Rupees five lakhs only) held in the name of Secretary-Treasurer (NCF) and vested in the Treasurer of Charitable Endowments for INDIA erstwhile Ministry of Finance, Department of Economic Affairs, North Block, New Delhi be transferred to the Secretary-Treasurer (NCF):

Description of Securities	Face Value	Maturing on
Five Y ars Post Office Time Deposit Scheme:	Rs. 5,00,000/-	1-5-1991

[No. F. 13-7/91-TR-II]

का.प्रा. 1374:— राष्ट्रीय बाल कोष, नई दिल्ली के प्रबंध बोर्ड द्वारा किए गए आवेदन पर और उनकी सहमति से, पूर्ण विन्यास अधिनियम 1890 (1890 का 6) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्योरे के अनुसार (62,88,350 रु.) बासठ लाख अठ्ठासी हजार और तीन सौ पचास केवल मात्र) (65 लाख रुपये की छूट कीमत) की राशि विजया बैंक, चांदनी चौक, दिल्ली में मार्टिफिकेट आक डिपॉजिट योजना में 13.5% की ब्याज दर पर 91 दिनों के लिए निवेश की गई।

क्रम सं.	राशि	विद्युत निवेश की तारीख	भुगतान की तारीख	अभियुक्तियां
1.	5,00,000 रु.	9-2-89	8-2-91	
2.	2,00,000 रु.	9-2-89	8-2-91	
3.	55,88,350 रु.			राष्ट्रीय कोष के पास उपलब्ध बकाया रोकड़ से।

भारत सरकार के तत्कालीन समाज कल्याण विभाग के विनांक 2 मार्च 1979 के समय-समय पर यथा संशोधित सा.प्रा. 120 (ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्ण विन्यास के खर्चा के नाम होगा।

[सं. 13-7/90 टी. प्रार. II]

S.O. 1374.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi, as in exercise of the powers conferred by section 4 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 62,88,350 (Rupees Sixtytwo lakhs Eightyeight thousand three hundred and fifty only) discounted value of Rs. 65,00,000) as per particulars given below invested in Certificate of Deposit Scheme for 91 days in Vijaya Bank, Chandni Chowk Branch, Delhi at the rate of interest 13.5%.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1.	Rs. 5,00,000	9-2-89	8-2-91	From
2.	Rs. 2,00,000/-	9-2-89	8-2-91	cash
3.	Rs. 55,88,350/-			balance with NCF

The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi, published with the notification of the Government of India in the then Department of Social Welfare, No. S.O. 120(E) dated the 2nd March, 1979, as amended from time to time.

[No. 13-7/91-TR-II]

1238 GI/91—3.

का.प्रा. 1375:— राष्ट्रीय बाल कोष, नई दिल्ली, के प्रबंध बोर्ड के अध्यक्ष की महमति से और उनके आवेदन पर तथा पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा बाल राष्ट्रीय कोष के संविधान के नियम 8(2) में निम्नानुसार संशोधन करती है:—

नियम 8(2)

व्याप्त धनराशि के निवेश के लिए कानूनी तौर पर अधिकृत बोर्ड, सम्पत्ति की बिक्री से या किसी अन्य किस्म से प्राप्त होने वाली धनराशि तथा किसी भी सम्पत्ति अथवा धनराशि को, जिसकी कोष के प्रयोजनों के लिए हस्तांतरण किए जाने की तत्काल आवश्यकता न हो, जैसा उचित समझे निवेश की किसी एक अथवा अन्य विधियों से निवेश कर सकेगा। अल्पकालिक निवेश की ऐसी धनराशि जिसकी तत्काल आवश्यकता न हो, किसी भी राष्ट्रीय बैंक में संचित जमा में डाली जा सकती है।

2. उपरोक्त संशोधन, भारत सरकार के तत्कालीन समाज कल्याण विभाग की 2 मार्च, 1979 की समय-समय पर संशोधित अधिसूचना सां.सं. 120 (ई) के साथ पठित राजपत्र अधिसूचना के प्रकाशन की तारीख से राष्ट्रीय बाल कोष, नई दिल्ली, के प्रशासन हेतु योजना अनुसार लागू होंगे।

[सं. 2-4/90-टी.प्रार. II]

जी.आर. सुमन, अवर सचिव

S.O. 1375.—On the application made by and with the concurrence of the Chairman, Board of Management of the National Children's Fund, New Delhi, and in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act, 1890 (6 of 1890) the Central Government do hereby make the following amendments to Rule 8(2) in the Constitution of the National Children's Fund as under:—

Rule 8(2)

The Board shall invest the proceeds of the sale or other disposal of the property as well as any moneys or property not immediately required to be used for the objects of the Fund in any one or more of the modes of investment for the time being authorised by law for the investment of trust money as the Board may think proper. Short term investments of the Fund not required immediately may be invested in fixed deposit in Nationalised Banks.

2. The above amendments shall be applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi from the date of publication of the Gazette Notification to be read with the notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E), dated 2nd March, 1979, as amended from time to time.

[No. 2-4/90-TR-II]

G. R. SUMMAN, Under Secy.

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 19 अप्रैल, 1991

का.भा. 1376:— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एनर्ज द्वारा अधिपूचित करता है कि जिस/जिन लाइसेंस (सों) का/के विवरण नीचे दिया गया है/दिए गए हैं, वह/वे उनके/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं

अनुसूची

क.सं. लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
1	2	3	4
1. सीएम/एल-1288659	मै. इंडियन कमर्शियल सिंडीकेट, 11/2 चट्टीपलयम रोड, पोदनुर्, कोयंबटूर-641023	पशुओं के लिए मिश्रित पशु आहार आई एस : 2052-1979	1990-12-16

[सं. के. प्र. वि./55 : 1288659]

एस. सुब्रह्मण्यन, अपर सहायक निदेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 19th April, 1991

S.O. 1376—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is given below has been Cancelled with effect, from the date indicated :

THE SCHEDULE

Licence No. (CM/L—)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
CM/L-1288659	M/s. Indian Commercial Syndicate, 11/2, Chetty Palyam Road, Podanur, Coimbatore-641023	Compounded Feeds for Cattle— IS : 2052—1979	1990-12-16

[No. CMD/55 : 1288659]

S. SUBRAH MANYAN, Addl. Director General

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 अप्रैल, 1991

का.भा. 1377.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अर्थात् भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 2642 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार की पाइपलाइन को विछाने के लिए अर्जित करने का अपना आणव्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्टें दे दी हैं।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्टें पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 का उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बजाय तब और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डी जे ए के से जी एम की आई (हीटर) तक पाईप लाईन विछाने के लिए।

राज्य-गुजरात	जिला-भरुच	तालुका-वाग्रा		
गाँव	ब्लॉक नं.	हे.	घार.	सेण्टी
नरनावी	186	0	03	12
	221/बी	0	27	17
	219	0	17	03
	222	0	11	44
	217/ए	0	19	76
	217/बी	0	02	60
	216	0	07	28
	213/ए/बी	0	06	50
	212	0	03	20
	फाटें ट्रैक	0	02	10
	211	0	05	20
	208	0	20	80
	238	0	17	68
	236/बी	0	36	40
	232	0	03	51
	5	0	14	56
	9/पी	0	21	84
	10	0	21	32
	11	0	14	04
	12	0	11	96
	16/बी	0	20	80
	16/ए	0	02	86
	19	0	20	80
	30/पी	0	29	12

[सं. ओ-11027/88/90-पी.एन.जी.डी-III]

के. विवेकानन्द, डेस्क अधिकारी

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 9th April, 1991

S.O. 1377.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2642, dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DJAK to GNBI Header

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
Narnavi	186	0	03	72
	221/B	0	27	17
	219	0	17	03
	222	0	11	44
	217/A	0	19	76
	217/B	0	02	60
	216	0	07	28
	213/A/B	0	06	50
	212	0	03	20
	Cart track	0	02	10
	211	0	05	20
	208	0	20	80
	238	0	17	68
	236/B	0	36	40
	232	?	03	51
	5	0	14	56
	9/P	0	21	84
	10	0	21	32
	11	0	14	04
	12	0	11	96
	16/B	0	20	80
	16/A	0	02	86
	19	0	20	80
	30/P	0	29	12

[No.O-11027/88/90-ONG.D-III]

K. VIVEKANAND, Desk Officer

नागर विमानन मंत्रालय

MINISTRY OF CIVIL AVIATION

नई दिल्ली, 1 मई, 1991

New Delhi, the 1st May, 1991

का.भा. 1378.—सार्वजनिक परिसर (अनधिकृत आवासियों की बेदखली) अधिनियम, 1971 (1971 का 40) के खण्ड 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और 13 मार्च, 1976 के भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) में प्रकाशित भारत सरकार पर्यटन और नागर विमानन मंत्रालय की अधिसूचना संख्या का.भा. 1051, दिनांक 20 फरवरी, 1976 के अधिनियम में, केन्द्रीय सरकार नीचे दी गई तालिका के कालम 1 में उल्लिखित अधिकारियों को जो सरकार के राजपत्रित अधिकारियों के समतुल्य हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पन्न अधिकारी नियुक्त करती है जो उक्त तालिका के कालम (2) में विनिर्दिष्ट सार्वजनिक परिसरों के संबंध में अपने संबंधित अधिकार-क्षेत्र की स्थानीय सीमाओं के भीतर उक्त अधिनियम के अधीन प्रदत्त शक्तियों का प्रयोग करेंगे और अवैध कर्तव्यों का पालन करेंगे।

S.O.1378.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of unauthorised occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Tourism and Civil Aviation, No. S.O. 1051, dated the 20th February, 1976, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 13th March, 1976, Central Government hereby appoints the Officers mentioned in Column 1 of the Table below, being officers equivalent to the rank of Gazetted Officers of Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officers by or under the said act within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

तालिका

TABLE

अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणियाँ और अधिकार-क्षेत्र की स्थानीय सीमाएँ
1. प्रबन्धक, कामिक सेवाएँ, पश्चिम क्षेत्र, इंडियन एयरलाइन्स, बम्बई	पश्चिम क्षेत्र में इंडियन एयरलाइन्स के अपने स्वयं के, उसे लीज पर दिए गए और उसके अपने प्रशासनिक नियंत्रण के अधीन परिसर।
2. प्रबन्धक कामिक, सेवाएँ, पूर्वी क्षेत्र, इंडियन, एयरलाइन्स, कलकत्ता	पूर्वी क्षेत्र में इंडियन एयरलाइन्स के अपने स्वयं के, उसे लीज पर दिए गए और उसके अपने प्रशासनिक नियंत्रणाधीन परिसर
3. प्रबन्धक कामिक सेवाएँ, उत्तरी क्षेत्र, इंडियन एयरलाइन्स, विल्ली	उत्तरी क्षेत्र में इंडियन एयरलाइन्स के अपने स्वयं के, उसे लीज पर दिए गए और उसके अपने प्रशासनिक नियंत्रणाधीन परिसर
4. प्रबन्धक, कामिक सेवाएँ, दक्षिण क्षेत्र, इंडियन एयरलाइन्स, मद्रास	दक्षिण क्षेत्र में इंडियन एयरलाइन्स के अपने स्वयं के, उसे लीज पर दिए गए और उसके अपने प्रशासनिक नियंत्रणाधीन परिसर
5. (1) उप सचिव, या (2) मुख्य प्रशासनिक अधिकारी, इंडियन एयरलाइन्स, नई दिल्ली	नई दिल्ली, में इंडियन एयरलाइन्स के अपने स्वयं के, उसे लीज पर दिए गए और उसके अपने प्रशासनिक नियंत्रणाधीन परिसर।

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Manager Personnel Services, Western Region, Indian Airlines, Bombay.	Premises belonging to, leased out and under the administrative control of the Indian Airlines in its Western Region.
2. Manager Personnel Services, Eastern Region, Indian Airlines, Calcutta.	Premises belonging to, leased out and under the administrative control of the Indian Airlines in its Eastern Region.
3. Manager Personnel Services, Northern Region, Indian Airlines, Delhi.	Premises belonging to, leased out and under the administrative control of the Indian Airlines in its Northern Region.
4. Manager Personnel Services, Southern Region, Indian Airlines, Madras.	Premises belonging to, leased out and under the administrative control of the Indian Airlines in its Southern Region.
5. (1) Deputy Secretary or (2) Chief Administrative Officer, Indian Airlines, New Delhi.	Premises belonging to, leased out and under the administrative control of the Headquarters of the Indian Airlines, at New Delhi.

[संख्या एवी. 18012/4/87-ए सी आई ए.]
नसीब सिंह, प्रवर सचिव

[No. AV. 18012/4/87-ACIA]
NASIB SINGH, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 19 अप्रैल, 1991

का.प्रा. 1379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जयपुरिया कजोरा यूनिट आफ मधु जोर कॉलरी ऑफ मे.ई.सी. लिमिटेड के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-91 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 19th April, 1991

S.O. 1379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jaipuria Kajora Unit at Madhujore Colliery of M/s. E. C. Ltd., and their workmen, which was received by the Central Government on the 19-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 31/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Jaipuria Kajora Unit of Madhujore Colliery of M/s. E. C. Ltd.

AND

Their workmen.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.

For the Workmen—Shri B. Kumar, Joint General Secretary of the Union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 4th April, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(211)/88-D.IV(B), dated 30th June, 1989.

SCHEDULE

"Whether the action of the management of Jaipuria Kajora Unit of Madhujore Colliery of M/s. E. C. Ltd., P.O. Dakhinkhanda, Distt. Burdwan (WB) in sending S/Sri Brahmddeo Thakur and 13 others as per Annexure-A, to the Age Determination Committee was called for and justified? If not, to what relief the workmen concerned are entitled?"

2. The case is taken up for hearing today (4-4-91). At this stage Sri B. Kumar, Representative of the Union submits that he has no instruction from the concerned workmen to proceed with the case. The concerned workmen are also absent on repeated calls. In the circumstances, I find no

other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

[No. L-22012/211/88-D.IV(B)]

ANNEXURE A

S/Sri

1. Brahmddeo Thakur
2. Chhatan Karmakar
3. Keleshwar Roy
4. Sitaram Thakur
5. Nakur Thakur
6. Kishori Mall
7. Brishpati Thakur
8. Muneshwar Mahato
9. Bibhisan Thakur
10. Sakindar Roy
11. Chandreshwar Pandey
12. Mahesh Lohar
13. Ganesh Yadav
14. Daharu Gour.

का.प्रा. 1380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चिनाकूरी 3 पिट्स कॉलरी आफ मे. ई.सी. लिमिटेड, के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, आसंसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-91 को प्राप्त हुआ था।

S.O. 1380.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chinakuri 3 Pits Colliery of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on the 19-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 44/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Chinakuri 3 Pits Colliery of M/s. E. C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.

For the Workman—Shri B. Kumar, Joint General Secretary of the Union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 4th April, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(98)/89-IR (C.II), dated the 28th September, 1989.

SCHEDULE

"Whether the action of the Management of Chinakuri 3 Pits Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderbakh, Distt. Burdwan in not regularising Sri Arjun Mahato as Clerk on the post on which he has been working since 1980, is justified? If not, to what relief he is entitled?"

2. Today (4-4-91) it is submitted by both the parties that there is every possibility of settlement of the dispute out of Court if this case be disposed of at this stage. Sri B. Kumar the representative of the union with his usual fairness submits that if the pendency of the case stands in the way of settlement, a no dispute award may be passed again to facilitate the settlement between the parties. I find that the prayer of the parties is very reasonable. So a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012/98/89-IR (C-II)]

नई दिल्ली, 22 अप्रैल, 1991

का.भा. 1381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-4-91 को प्राप्त हुआ था।

New Delhi, the 22nd April, 1991

S.O. 1381.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 22-4-91.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NEW DELHI
I.D. No. 97/90

In the matter of dispute between :
Joint Secretary,

Food Corporation of India Workers Union,
7901, Ram Nagar, Naj Basti, Pahar Gani,
New Delhi-110055.

Versus

District Manager,
Food Corporation of India,
Saharanpur-24700.
APPEARANCES :

None—for the workmen.

Shri Prem Bihari Lal—for the Management.

AWARD

The Central Government in the Ministry of labour vide its Order No. L-22012(104)/F(90-IR(Col. II) dated 22-8-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Manager, Food Corporation of India in dismissing S/Shri Sukkar Singh s/o Sh. Rahuja from 9-5-1988, Gulzar s/o Sh. Ustad Ahmad from 4-10-88, Akbar s/o Sh. Imamuddin from 4-10-88, Gustmeen s/o Sh. Makbul from 4-10-88, Purkan s/o Sh. Mabul from 4-10-88 and Altaf from 25-6-88 is justified? If not to what relief the workmen are entitled to?"

2. Notice was sent to the workmen through the Joint Secretary of the Food Corporation of India Workers Union. Nobody has appeared on any date and it appears that the workmen are not interested in proceeding further with this reference. No Disputes Award is given in this case. Parties shall bear their own costs.

February 4, 1991.

GANPATI SHARMA, Presiding Officer
[No. L-22012/104/F(90-IR(Col.II))]

नई दिल्ली, 24 अप्रैल, 1991

का.भा. 1382.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब एरिया मैनेजर, बेल्हारपुर कॉलियरी 3 एण्ड 4 पिट्स, इन्डिया सी. एस. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-91 को प्राप्त हुआ है।

New Delhi, the 24th April, 1991

S.O. 1382.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.), as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Area Manager, Ballarpur Colliery 3 and 4 Pits, W. C. Ltd., and their workmen, which was received by the Central Government on the 24-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(27)/1990

PARTIES :

Employers in relation to M/s. Western Coalfields Ltd., Ballarpur Colliery, Post Ballarpur, District Chandrapur (M.S.) and their workman Shri Malloji Durgayya, Wagon Shunting Mazdoor, represented by Koyla Shramik Sabha (HMS), Ballarpur Colliery Area Branch, Ballarpur, Post Ballarpur, District Chandrapur (M.S.)-442701.

APPEARANCES :

For Workman.—Shri Bhanudas Rebbawar, Secretary.

For Management.—Shri R. Menon Advocate.

INDUSTRY : Coal Mining DISTRICT : Chandrapur (M.S.).

AWARD

Dated, the April 10, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(2437) 81 IR(Coal-II) dated 23-1-1990 for a adjudication of the following dispute :—

"Whether the demand of the Union for regularisation of Malloji Durgaiya, Wagon Shunting Mazdoor as Wagon Shunting Mazdoor Category-II from the year 1981 by the Management of (Sub-Area Manager, Ballarpur Colliery 3 & 4 Pits, W. C. Ltd.) is justified? If so, to what relief the workman concerned is entitled?"

2. Parties have filed their respective statement of claim. Workman has filed certain documents. The case was at the stage of filing rejoinders.

3. A settlement duly signed by the parties was received on 31-12-1990. The settlement is also signed by the workman concerned. Shri R. Menon, Advocate verified the settlement on behalf of the management. The terms of Settlement are as under :—

- (1) It is mutually agreed that Shri Malloji Durgaiya will be designated as Wagon Shunting Mazdoor w.e.f. 1-1-1986.
- (2) The management agreed to pay arrears of wages of Category II from 1-1-86 after deducting the officiating allowance paid to him during the period from 1-1-86 till the giving of till new designation.
- (3) It has mutually agreed that the arrears of wages will be paid within three months of the passing of the award.
- (4) The Union and the workman in dispute agreed that this settlement is in full and final of the dispute.

4. Since the parties have agreed mutually to the above terms I have no hesitation in recording an Award in terms of the settlement reached between the parties. Award is made accordingly with no order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-22012(2437)81-IR(Coal-II)]

का.प्र. 1383—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बस्तान कोजफिल्ड लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-91 को प्राप्त हुआ था।

S.O. 1383.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd., and their workmen, which was received by the Central Government on the 24-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(21)/1987

PARTIES :

PARTIES :

Employer in relation to the management of Rajnagar Open Cast Mines of Western Coalfields Limited, P.O. Rajnagar Colliery, District Shahdol (M.P.) and their workman, Shri R. G. Singh, Clerk Grade III represented by M.P.C.W.F., Rajnagar Colliery Branch, P.O. Rajnagar, District Shahdol (M.P.).

APPEARANCES :

For Workman.—Shri G. P. Sharma.

For Management.—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining. DISTRICT : Shahdol (M.P.).

AWARD

Dated, April 10, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(69) 85-D.V. Dated 21st January, 1987, for adjudication of the following dispute :—

"Whether the action of the management of Western Coalfields Limited in relation to their Rajnagar Open Cast Mine in not giving proper gradation, i.e. Clerical Grade II, with effect from 22-7-1982 to Shri R. G. Singh, Clerk Grade-III is justified? If not, to what relief is the workman concerned entitled to and from what date?"

2. Facts leading to this case are that the workman concerned was working as Clerk Grade III with the management at Rajnagar Open Cast Mine.

3. According to the workman, he was being taken the job of Clerk Grade II in Senior Executive Engineer's Office and was performing the duties of receiving materials from distance stores including of Rajnagar Open Cast, over burden report of shovel and other jobs as directed by the Engineers with effect from 22-7-82. Thus as per Wage Board Recommendation, Appendix IV he was entitled to the gradation of Clerk Grade II. Thus he is entitled to be graded as Clerk Grade II from 22-7-1982 with all consequential benefits, promotion etc.

4. In brief, according to the management, the workman was appointed as Badli worker with effect from 3-4-1982 because the duties of casual badli labourers are hazardous and strenuous in nature most of the casual labourers who has got some educational qualifications are given some work of clerical nature. This is a prevalent practice. Accordingly the workman was put on the job of Stores Issuer. In the year 1984 he was promoted as Clerk Grade III and was shifted to Excavation Section and he was preparing daily reports. Promotion is made as per recommendations of the D.P.C. His work was not satisfactory and he was also charge-sheeted and suspended with effect from 4-4-85. Promotions are made on the basis of seniority. No junior to him has been promoted. He has deliberately raised this dispute to avoid any disciplinary action being taken against him. The claim is not tenable and the reference is liable to be rejected.

5. Reference was the issue in this case.

6. No evidence was adduced by either party. The workman has failed to prove that he is entitled to the relief as claimed.

7. Reference is, therefore, answered in the negative with no order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer

[No. L-22012(69)85-D.V.]

नई दिल्ली, 26 अप्रैल, 1991

का.प्र. 1384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कम्पनी लि., के प्रबन्धकों के संबंध निदाजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आंध्र प्रदेश के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-91 को प्राप्त हुआ था।

New Delhi, the 26th April, 1991

S.O. 1384.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd. and their workmen, which was received by the Central Government on the 24-4-91.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L., Industrial Tribunal.
Dated : 11th March, 1991
Industrial Dispute No. 6 of 1987

BETWEEN :

The Workmen of S.C. Co. Ltd., Mandamarri & Ramakrishnapur Divisions, P.O. Kalyanikhan, Adilabad District. A. P

AND

The Management of S.C. Co., Ltd., Mandamarri & Ramakrishnapur Division, P.O. Kalyanikhan, Adilabad District A. P.

APPEARANCES :

Sri Naushad Ali, Counsel—for the Workmen at Serial Nos. 2, 3, 4, 6, 7, 9, 11, 12 and 13 of the reference.

None—for Serial Nos. 1, 5, 8 and 10 of the reference.
Sri K. Srinivasa Murthy and Miss G. Sudha, Counsels—for the Management.

AWARD

This is the reference made by the Government of India by its Order No. L-22012[178;83-D.III(D)] dated 9/10th February, 1987 setting forth the point for adjudication in the Schedule annexed thereto as follows :—

“Whether the action of the management of M/s. Singareni Collieries Co. Limited, Mandamarri & Ramakrishnapur Division, P.O. Kalyanikhan, Distt. Adilabad (A.P.) is justified in denying over-time wages to the Welders as mentioned in the Schedule? If not, to what relief the workmen are entitled.

2. The said reference was registered as Industrial Dispute No. 6 of 1987 and notices were issued to both parties. After receiving the notices, both parties put in their appearance and the Petitioner-workmen filed the claim statement on 25-9-1987 on behalf of the workmen Nos. 2, 3, 4, 6, 7, 8, 11, 12 and 13 referred to in the reference and also rejoinder on 1-3-1988 and the Management filed the counter on 16-10-1987.

2. The averments of the claim statement filed by the Petitioner-workmen read as follows : The workmen concern-

ed in the above dispute are the Welders in Singareni Collieries Company Limited. The work involves electric welding and gas welding and the working conditions are very hard in view of the nature of the work. Hence the workman are required to work only for 6 hours per day and in case they are required to work over and above 6 hours, they are entitled to over-time wages at the rate of 1-1/2 times their ordinary rate of wages upto 8 hours and if the work goes beyond 8 hours, they are entitled for double the wages. This practice has been going on ever since 1962 and it is uniformly followed in all the mines. In regard to the payment of over time wages to such of those workmen who work over and above 6 hours, an agreement was reached between the workmen and the Management before the Labour Inspector (Central), Kothogudem during the conciliation proceedings before him to the following effects :—

“In respect of extra work done beyond six hours and upto eight hours, the welders shall be at 1-1/2 time their ordinary rate of wages and in respect of extra work done beyond eight hours, they shall be paid twice their ordinary rate of wages.”

The agreement reached thus was circulated to all the pits and Departments of the Singareni Company by circular No. P. 24/112/5226 dated 28-10-1962 and the same had been given effect to from the same date. The agreement reached thus holds good till date and the management is bound to honour the agreement in this regard. In implementation of the said agreement, all the workers, were paid over-time wages continuously throughout the company including the periods during 1974 to 1979. However the workmen in dispute were not paid over-time wages during the period mentioned against each of the workmen. The workmen schedule No. 2, 3 and 4 were not paid the wages during the periods 1-1-1977 to 19-7-1979 workmen schedule No. 6 was not paid during 1-8-77 to 19-7-1979 and Schedule Nos 7 and 9 were not paid during the periods 1-3-78 to 19-7-79 while Schedule Nos. 11, 12 and 13 were not paid during the periods 1975 to 19-7-79, 1-5-74 to 19-7-79 and 21-11-78 to 19-7-79 respectively. After the failure of the other remedies, the dispute in question is referred for adjudication to this Honourable Tribunal. The workmen submit that they are entitled for over-time wages during the periods as mentioned above. The agreement reached as communicated by the Management in the circular aforementioned entitle the workmen to over-time wages over and above 6 hours of work. The Management has been paying over-time wages to all the workmen in all the mines and Departments and there is absolutely no reason as to why these workmen alone are not paid. The non-payment of wages thus arbitrary and discriminatory. The Management is under an obligation to pay the wages for the relevant period also as they had paid prior and after the said periods. The workmen therefore pray that this Honourable Tribunal may be pleased to pass an award in favour of the workmen holding that the action of the Management is not justified in denying over-time wages to the welders as mentioned in the schedule with a further direction to pay the same and grant such other relief or reliefs deemed fit and just.

3. The averments of the counter filed by the Respondent-Management read as follows : At the outset the Respondent denies various allegations made in the claim statement except those which are specifically admitted herein and the Petitioner-workmen is not to strict proof of the various allegations made therein. Without prejudice to the rights of this Respondent it is submitted the dispute under reference was raised by Singareni Collieries Engineering Workers Union and subsequently this Union has been merged into Singareni Miners and Engineering Workers Union. Sri J. Durgaiiah is the General Secretary of the Union and not Sri T. Narayana and hence Sri T. Narayana has no locus standi in the Union's list of office bearers nor member of the Union. Hence the claim statement submitted by him in the above dispute before the Industrial Tribunal, Hyderabad cannot be entertained. During the course of conciliation the Respondent submitted its views and basing on this the Desk Officer communicated that it is not a fit case to refer for adjudication vide letter No. L-22012[178]

83-D.M.B. dt. 16th May 1984 and there was no further correspondent on this subject. The Petitioner is put to strict proof how the reference has been referred to this Hon'ble Tribunal when the Govt. itself sent a communication that it is not a fit case for adjudication. As regards the averments in para 1 the Respondent submits that the workmen in the above dispute have been working as Welders in the Company and their job description and wages are covered by the Wage Agreements entered into from time to time. As far as their working hours are concerned these workmen are governed by the Mines Act. According to the Mines Act each worker is expected to work upto 8 hours per day. The question of payment of additional wages/over time arises only when they work for more than 8 hours per day. It is not correct to say that they are required to work only for 6 hours per day and that they are to be paid additional wages in case they work for more than 6 hours. As regards para 3 the Respondent states that the settlement under reference is applicable only to the persons who were existing on rolls as on the date of settlement. The Respondent as a good gesture extended this facility for some more years in the beginning but subsequently in 1974 the Respondent has taken a decision to provide work to these Welders for 8 hours and accordingly the Respondent mentioned the same in the appointment orders of the Petitioners recruited from that time onwards that they have to work for 8 hours per day. Subsequently on the representation made on behalf of the petitioners it was agreed to engage the petitioner for 6 hours only and the same was circulated among Pits & Departments vide letter No. P. 4/561/1853 dt. 5-5-1979. By misconstruing the provisions of Mines Act the petitioner has chosen to raise the claim that they are entitled only to work for 6 hours per day and they are entitled for over time for 2 hours. The allegation that this practice is going on ever since 1962 and it is uniformly followed in all the Mines is not correct. It may be noticed according to the wage Board recommendations this category of workmen have to work for 8 hours per day and concession has been given previously to these category of workmen to work for 6 hours but later on it has been changed to 8 hours. The Management is well within its right to change it to 8 hours and working conditions and workmen are entitled for OT only when they work more than 8 hours a day but not within the stipulated period of 8 hours. The workmen in Schedule Nos. 2, 3, 4, 6, 7, 9, 11, 12 and 13 are governed by their appointment orders and on the date of the terms & conditions of service. They cannot claim on the alleged ground that previously these category of workmen worked for 6 hours so they should be paid OT. It may be noticed management took a policy decision that the working hours should be 8 hours for these category of workmen and this has been implemented from 1977 onwards. It may be noticed the settlement as well as discussion before the Labour Inspector, during the conciliation proceedings have been mis-quoted by these workmen and settlement is not applicable to the workmen in the schedule and for these workmen who are entitled to OT they were paid OT but these workmen are not coming within the category of settlement and they are not entitled for any OT. It may be noticed this is not a case where the workmen worked more than stipulated working hours as such they can make a demand for OT. This is a case where management has taken a policy decision implemented 8 hours as per the Mines Act though the previously workmen worked for 6 hours. Between 6 and 8 hours they cannot claim extra work having done for OT and ask for OT. It is well settled the employees are not entitled to make such demand where there is no OT at all. It is the privilege of the management to see with regard to implementation of working hours and extending 6 to 8 hours is done well within the statutory limitation and well within the rights of the management. It may be noticed workmen without any dispute were working from 1977 till now and only to create industrial unrest have chosen to enounce this dispute though really there was no dispute. The workmen in Schedule 3 and 4 are not entitled to OT between 1-1-77 to 19-7-79 and Schedule 6 workmen are not entitled to OT from 1-8-77 to 19-7-79 and schedule 7 and 9 are not entitled for OT from 1-3-78 to 19-7-79 and also workmen in Schedule 11, 12 and 13 are not entitled for OT during the periods 1975 to 19-7-79, 1-5-74

to 19-7-79 and 21-11-78 and 19-7-79 respectively. The allegation that they worked OT during the above periods is totally false. Though the allegation of the workmen was true and it is the OT they could have taken appropriate steps for recovery of the same. Further without admitting the rights of the workmen it may be stated that the alleged claim is not barred by limitation. With reference to paras 3 and 4 it may be noticed the workmen have to establish that they are having right to claim OT and the period which work is outside the statutory period then alone they are entitled for OT. By misconstruing the circulars and provisions of law claimants referred in the claim petition have chosen to colour the working hours as 6 hours to 8 hours as OT. They are not entitled for OT or 1½ times OT as alleged. Those workmen who are entitled for OT and also not to change the service condition for those people management has paid and workmen in the claim, statement are not of the same category. So the question of paying for these workmen does not arise. The allegation non-payment of wages is arbitrary and discriminatory is totally false. With reference to para 5 it is submitted that according to the National Coal Wage Agreement whatever wage the workmen are legally entitled to according to the rules regulations of the company and Mines Act management has paid the amounts.

The petitioner have not made out any claim and their claim is on surmises & conjectures and on assumption that they have worked OT. No. OT work has been done by the workmen nor are they entitled for any alleged overtime. In view of the above this Hon'ble Tribunal may be pleased to dismiss the claim statement.

4. The averments of the rejoinder filed by the Petitioner-workmen read as follows : The contention raised against the Petitioner-workmen in the counter filed on behalf of the Management are not only factually incorrect but also legally untenable. The Petitioner-workmen submit that the dispute in question arose when the Singarani Collieries Engineering Workers Union was in existence and that Sri T. Narayana who was a General Secretary then was acting on behalf of the petitioner-workmen. The reference was also made at the instance of Sri T. Narayana and this Hon'ble Tribunal was pleased to serve the notices only on Sri T. Narayana. Thus the claims statement submitted by him is maintainable. However by way of abundant caution the Petitioner-workmen pray that the claim statement already filed may be read as part and parcel of this rejoinder. It is not correct to state that each worker is expected to work upto 8 hours per day as per the Mines Act. It is submitted that the working hours depend on the nature of work and the petitioner-workmen cannot be expected to work more than 6 hours in the nature of their work without any incentives such as over time wages. It is not correct to state that the settlement under reference is applicable only to the persons who were existing on rolls as on the date of settlement. It is submitted that the Settlement being in force is binding till the same either superceded or otherwise as contemplated under Section 18 of the Industrial Disputes Act. It is not correct to state that the petitioner-workmen were recruited to work for 8 hours. Even if such a condition was stipulated in their appointment orders, the same shall be ignored in as much as workers similarly placed were required to work only for 6 hours and the condition that the petitioner-workmen should work for 8 hours is thus arbitrary and discriminatory. Moreover, this practice has been in practice in all the Mines and the allegations contra are incorrect. The management has no unfettered discretion in the matter of working hours. Any change in the regard amounts to change in conditions of service and a change cannot be affected without notice is bad as contemplated under Sec. 9 of the Industrial Disputes Act. The allegation that workmen in Schedule Nos. 2, 3, 4, 6, 7, 9, 11, 12 and 13 have to work for 8 hours are incorrect. The allegations made in Para 7 are incorrect. The settlement is very much binding as stated above even in respect of the petitioner-workmen. In as much as these workmen stated on par with other workmen, they are entitled for Over Time. The allegations contra are incorrect and the management cannot claim any privilege in this regard. The allegations in para 8 are incorrect. The petitioner-workmen by raising a dispute do not create unrest. The workmen are entitled to Over Time as per the claim. The allegations in

para 9 that the claim is barred by limitation is incorrect. The dispute has been pending which has ultimately been referred for adjudication to this Hon'ble Tribunal. Further the legitimate rights of the petitioner-workmen cannot be defeated on technical grounds. The Petitioner workmen has not misconstrued either the provisions of Law or any other circular and their claim for Over-time is legitimate and legal. The petitioner-workmen submits that the contentions raised by the Management are frivolous and that the petitioner-workmen are entitled for Over-time during the relevant periods.

5. W.W.1 to W.W.3 were examined for the Petitioner workmen and the Petitioner-workmen side closed. Exs. W1 to W7 were marked for the petitioner-workmen. M.W.1 and M.W.2 were examined for Respondent and the Respondents side was closed. Exs. M1 to M11 were marked for the Respondent.

6. The point for adjudication is whether the action of the management of M/s. Singareni Collieries Co. Ltd., Mandamrall and Ramkrishnapur Divisions (Respondent) is justified in denying Over-time wages to the Welder (Petitioner-workmen) as mentioned in the Schedule appended to the reference? If not, to what relief the workmen are entitled?

7. Point :—There is no dispute that the workmen referred to in the reference worked 8 hours per day during the relevant period for which they claimed over time wages for 2 hours per day. The contention of the workmen was that they were made to work 8 hours during the relevant period and the other workers who were discharging the same nature of work were working for 6 hours only per day during the relevant period and therefore, they are entitled for the over time wages for 2 hours per day during the relevant period. Admittedly it is not disputed by the Management that the workmen under reference worked 8 hours per day during the relevant period. But it was contended by the Management that as per the terms of appointment, the workmen under reference were appointed to work for 8 hours per day and therefore the said workmen are not entitled to claim any over time wages on the ground that some of the workmen were allowed to work for 6 hours per day, in view of the previous Settlement entered into between the Management and the workmen, which settlements are not applicable to the workmen under reference who were appointed subsequent to the said Settlement and that the Management is having right to fix the service condition with regard to hours of work subject to the provisions of the Mines Act. It is further contended by the Management that as per the provisions of Section 30 of the Mines Act, no workmen shall be allowed to work for more than 48 hours in a week or more than 9 hours in a day and that the fixation of 8 hours work per day as a service condition in the appointment orders is not in derogation of the provisions of the Mines Act and therefore, the Management is within its right in fixing the 8 hours work per day for the workmen appointed subsequent to the Settlement entered into between the then existing workmen and the Management some time prior to the dates of appointment made in respect of workmen under reference. The main contention of the workmen under reference was that the terms of the Settlement of 1962 in Ex. W4 that the 6 hours work as fixed therein, is applicable to them also though they were appointed subsequently and that the said Settlement was in existence by the time they were appointed. On the other hand it is contended by the Management that the said Settlement in Ex. W4 was made in respect of the workmen working under the Respondent-Management at that time and it is not applicable to the workmen i.e. Welders to be appointed subsequently. Admittedly the working hours for all the Welders including the workmen under reference, was reduced to 6 hours per day, on the representation on their behalf as per the Order dt. 5-5-1979 with immediate effect and also in respect of new entrants, the photo-stat copy of which was marked as Ex. M3. In Ex. M3 it was clearly stated that the said order is applicable to the new entrants also i.e. to the workmen to be employed in future also. There is no such clause incorporated in Ex. W4 to interpret that the said order is applicable to the new entrants to be employed in future thereof Ex. W2 dt. 28/30th April, 1974 is the office order promoting one Kalaboina Muralidhar, General Mazdoor as

Welder on Category IV. In the said order, it was stated that he will be governed by the hours of work, holidays and conditions of service as applicable to the workmen working in the Mine where he will be required to work on transfer from time to time. Ex. W3 is the appointment order dt. 27-7-1977 issued to one P. Babu Rao in which it was stated that he will be governed by the hours of work, weekly days of rests, holidays, customary concessions and such other privileges as applicable to the workmen working where he is posted to work. Except these two orders in Exs. W2 and W3, no other appointment or promotion orders of the workmen under reference are filed in support of the case of the workmen that they were appointed to work for 6 hours only. As seen from the evidence available on record, no evidence is produced that the workmen under reference were posted to work along with the workmen who were working for 6 hours per day as per the Settlement in Ex. W4 for them to claim, that their service condition with regard to the hours of work is governed by the service condition of the workmen to whom the Settlement in Ex. W4 is applicable and with whom he worked. In the absence of adducing any such evidence, it cannot be said that the workmen under reference, worked along with the workmen i.e. Welders to whom the Settlement under Ex. W4 is applicable, for them to claim that they are entitled for over time wages for 2 hours per day in view of the fact that their service condition with regard to hours of work per day is governed by the service condition of the workmen to whom the Settlement in Ex. W4 is applicable. On the other hand, the Management filed an appointment order dt. 20-3-1978 in Ex. M8 appointing one B. Ramaswamy as Welder in Category IV, in which it was stated that his working hours will be full 8 hours in the shift as in the case of other time rated persons. So it is clear from Ex. M8 that the Respondent Management appointed Welders to work for 8 hours in the year 1978 i.e. subsequent to the Settlement in Ex. W4. As seen from Ex. M6 Settlement at Clause 20 the working hours in respect of Welders, it is clearly stated that the Management agrees to limit the working hours of the existing Welders on roll to hours per shift with effect from 15th March, 1990. This clearly shows that the Union was conscious of the fact that the Respondent Management have been appointing Welders to work for 8 hours per day and that service condition was made one of the subject in the charter of demands to reduce the working hours for the Welders on roll to 6 hours. So in view of this, it can be safely concluded that the Settlement in Ex. W4 also relates to the existing Welders on rolls, and therefore, I am of opinion that it cannot be said that the appointment of Welders subsequent to 1962 after the Settlement in Ex. W4, fixing the 8 hours of work as a service condition, is beyond the right and scope of the provisions of the Mines Act. Unless the Welders were appointed with a service condition to work 8 hours per day subsequent to 1962 i.e. Ex. W4 and they worked for 8 hours, there is no need for the Union to include the demand of reducing the working hours of the existing Welders on roll to 6 hours in the charter of demands which was settled in Ex. M4. So now it cannot be said, in my opinion that the workmen under reference were originally appointed with a service condition to work for 6 hours per day and that later they were made to work for 8 hours per day as against the service condition of their employment, for them to claim the over time wages for 2 hours per day worked over and above 6 hours per day.

8. W.W.1 to W.W.3 did not specifically state that they were appointed to work for 6 hours a day, in their evidence.

9. On the other hand it is in the evidence of W.W.1 that till his batch joined service, in all Mines, the working hours are 6 hours per day, that from his batch the working hours are 8 hours per day. Admittedly W.W.1 joined in service as Welder in 1977. During the course of cross examination W.W.1 categorically stated that in 1977 when he was appointed, he had to work as per Mines Act conditions, that he does not know if 1962 Agreement applies only to persons who were on duty in 1962 and that it does not apply to people appointed later and he further stated that that agreement applies for all people appointed prior to 1974 and that it will not apply to people appointed after 1974. He also categorically stated during the course of cross examination that it is true from May, 1977 to 1979 for all Welders, the duty hours are 8 hours per day including their seniors. It is in the evidence

of W.W.2 that Welders appointed prior to 1977 were doing duty for 6 hours in a day and they were paid over time wages for the extra working hours put up by them, that for the people appointed in the year 1977, the working hours are 8 hours per day. It is also in the evidence of W.W.3 that they are working for 6 hours only since 25-5-1979 and that prior to that they were working for 8 hours and that in other Mines, the Welders were working for 6 hours only prior to 25-5-1979 and that his seniors in other Mines and Workshops of their Company, were doing 6 hours duty as Welders. The evidence of W.W.1 to W.W.3 clearly establishes that they were appointed to do 8 hours duty per day and accordingly they have performed their duty at 8 hours per day. It is also clear from their evidence that their seniors in other Mines are performing the duties of 6 hours only and their evidence does not disclose that they are posted along with their seniors, who are working for 6 hours a day in one and the same mine, for them to claim that the service conditions which are applicable to their seniors along with whom they worked, are applicable to them also, as stated in the appointment orders issued to some of the workmen under reference. So the evidence of W.W.1 to W.W.3 is of no help to establish the contention raised by the workmen in this case. On the other hand their evidence goes in aid to the contention of the Respondent-Management. This is not a reference made at the instance of the workmen to reduce hours of work to 6 hours from 8 hours as was fixed for some of the workmen senior to them on the ground that there was a discrepancy in the hours of work between two sets of workmen who are discharging the same duty and on the other hand it is a reference made at the instance of the workmen after the hours of duty was reduced to 6 hours from 8 hours by the Management itself in the year 1979 from claiming over time wages for 2 hours per day though they were appointed to work 8 hours per day, on the ground that the working hours for their seniors was fixed at 6 hours per day and their seniors worked only for 6 hours per day during the period prior to 5-5-1979 as per Ex. M3. With regard to Ex. W7 nothing is spoken to by W.W.2 to which period or which year Ex. W7 relates to. It is not specific case of W.W.2 that Ex. W7 relates to the period subsequent to 1974 or 1977, for the workmen under reference to claim that the working hours for the Welders is noted as 8.00 A.M. to 2.00 P.M. and 2.00 P.M. to 8.00 P.M. on the Notice Board as in Ex. W7 for the period for which the claim of over time wages is made in the present reference. If Ex. W7 relates to the period prior to 1977, it is of no help to the Petitioner-workmen as it is the admitted case of W.W.1 and W.W.2 in their evidence that 1962 Agreement will not apply to the people appointed after 1974 and when the claim of the Petitioner-workmen relate to the period from 1974 and 1977 to 1979. Whatever it may be, when it is not brought on record the date of exhibition of original of Ex. W7 on the Notice Board, I am of opinion that it is of no help to the Petitioner-workmen under reference to show that they are appointed to work for 6 hours only and that they worked for 8 hours per day and therefore, they are entitled for over time wages for the 2 hours they worked beyond the 6 hours of working hours. So in view of my above discussion, I am of opinion that the workmen under reference, are not entitled for the relief claimed by them or any other relief in this industrial dispute. Hence I answer the point accordingly.

10. In the result, an Award is passed holding that the workmen whose names are referred to in the schedule appended to the reference, are not entitled for any relief. I make no order as to costs under the facts and circumstances of the case.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 11th day of April, 1991.

G. KRISHNA RAO, Industrial Tribunal

Appendix of Evidence

Witnesses examined

for the Workmen.

W.W.1 : P. Babu Rao

W.W.2 : K. V. Varaprasad.

W.W.3 : K. Muralidhar

Witnesses examined for

the Management.

M.W.1 : S. Sarat Kumar

M.W.2 : V. Ramachander Rao.

Documents marked for the Workmen

- Ex. W1 24-1-77—Promotion order dt. 24-1-77 issued to K. V. Varaprasad by the Additional General Manager, BPA, S.C. Co. Ltd., Ballampalli.
- Ex. W2 28/30-4-1974—Office Order dt. 28/30-4-1974 issued to K. Muralidhar by the Manager, RK 4-S.C. Co. Ltd., promoting him as Welder.
- Ex. W3 27-7-77/1-8-1977—Appointment order dt. 27-7-77/1-8-77 issued to P. Babu Rao by the Additional General Manager, BPA as Welder.
- Ex. W4 28-10-82—Copy of the Circular dt. 28-10-62 with regard to payment of over time wages to Welders.
- Ex. W5 25-5-79—Office order dt. 25-5-79 issued to K. Muralidhar by the Colliery Manager, R.K. 4 with regard to follow the timings.
- Ex. W6 9/11-5-81—Photo copy of the order dt. 9/11-5-81 issued to B. Ramaiah by the Divisional Supdt., S.C.Co. Ltd., Mandamarri Division placing him in Cat. V.
- Ex. W7 dt. Nil—Photo copy showing the wages of Daily rated employees and monthly paid employees of S.C. Co. Ltd.,

Documents marked for the Management

- Ex. M1 dt. Nil—Photostat copy of the Mines Act, 1952 with notes issued by National Council for Safety in Mines, Ministry of Labour, Govt. of India.
- Ex. M2 20-3-78—Copy of the appointment order dt. 20-3-78 issued to B. Ramaiah by J. N. Singh by the Additional General Manager, B.P.A., S.C. Co. Ltd.
- Ex. M3 5-5-79—Photo stat copy of the letter dt. 5-5-1979 addressed to G.M., GDK, Addl. G.M., BPA and Addl. G.Ms. and RKP by M. K. V. Subbaiah, G.M. with regard to six hours shift for Welders.
- Ex. M4 Nil—Photostat copy of the Report of the Central Wage Board for the Coal Mining Industry Volume I with regard to job description.
- Ex. M5 5-5-79—Photo copy of the letter dt. 5-5-79 addressed to Additional General Manager, MM and Ramakrishnapur Divisions, S.C. Co. Ltd., by the General Manager, S.C. Co. Ltd., Kothagudem with regard to six hours shift for workers.
- Ex. M6 Dt. Nil—True copy of the Memorandum of Settlement arrived under Section 12(3) of the I.D. Act, 1947 on 10th, 11th and 12th March 1990 in the I.D. between the Management of S.C. Co. Ltd., and their workmen represented by (1) S. C. Workers Union (AITUC), (2) Singareni Coal Mines Labour Union (INTUC), (3) Singareni Collieries Employees Union (CITUC), (4) Singareni Miners and Engineering Workers Union (HMS) and (5) Singareni Coal Mines Karmika Sangh (BMS) and a charter of demands coupled with strike notices dt. 14-10-89, 15-12-89, 21-12-1989, 14-11-1989 and 6-1-1990 respectively.
- Ex. M7 20-3-78—Photo stat copy of the appointment order (Welder) dt. 20-3-78 issued to Bonagiri Ramaiah by the Additional General Manager, S.C. Co. Ltd., Bellampalli.
- Ex. M8 20-3-78—Photo stat copy of the appointment order (Welder) dt. 20-3-1978 issued to B. Ramaswamy by the Additional General Manager, S.C. Co., Ltd., Bellampalli Area.
- Ex. M9 27-7-77/1-8-1977—Photo stat copy of the appointment order dt. 27-7-1977/1-8-1977 issued to P. Babu Rao by the Additional Manager, S.C. Co. Ltd., Bellampalli.

Ex. M10 28-4-74/30-4-74—Photo stat copy of the promotion order dt. 28-4-74/30-4-1974 issued to Murahdar by the Manager, S.C. Co. Ltd., RK 4

Ex. M11 11/16-5-84—Photo stat copy of the letter dt. 11/16-5-84 addressed by Under Secretary, Government of India, Ministry of Labour, New Delhi to the General Manager, Mandamatti and Ramakrishnapur Division, M/s. S.C. Co. Ltd., P. O. Kalyani Khani Dist. Adilabad and the General Secretary, Singareni Collieries Engineering Workers Union, P.O. Ramakrishnapuram, Adilabad Dist. (AP) with regard to alleged non-payment of over time allowance to Md. Mahboob and 12 other Welders.

G. KRISHNA RAO, Industrial Tribunal

[No. L-22012/178/83-D-III(B)]

का.प्र. 1385.—भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14). का धारा 17 के अनुसरण में, केंद्रीय सरकार में, बेस्टन कोलाफील्ड लि., चन्द्रपुर (एम. एस.) के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट भौद्योगिक विवाद में केंद्रीय सरकार भौद्योगिक अधिकरण, बम्बई के पक्षों का प्रकाशित करती है, जो केंद्रीय सरकार का 26-4-91 का प्राप्त हुआ था।

S.O. 1385.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay, No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Western Coalfields Limited, Chandrapur (M.S.) and their workmen, which was received by the Central Government on the 26-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar Presiding Officer.

Reference No. CGIT-2/40 of 1986

PARTIES :

Employers in relation to the management of M/s. Western Coalfields Limited, Chandrapur (M.S.)

AND

Their Workmen

APPEARANCES :

For the Employers—Shri A. K. Sasi, Advocate.
Shri S. L. Joshi, Deputy Personnel Manager M/s. Western Coalfields, Chandrapur (M.S.).

For the Workman—Shri S. Mazhar, President, Koyala Khadan Karmachari Sangh, Chandrapur.

INDUSTRY : Coal Mines STATE : Maharashtra
Bombay, dated the 15th April 1991

AWARD

The Central Government by their Order No. L-22012/88/85-D.V/D-III(B) dated 20-8-1986 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act:

"Whether the action of the management of Ms. Western Coalfields Limited, in Sub-Area No. IV, Ballarpur Colliery, P.O. Ballarpur, District Chandrapur (M.S.) is justified in terminating the services of workman Shri Sitaram Surajddin w.e.f. 17-7-1983? If not, what relief the said workman concerned is entitled to?"

2. The workman Shri Sitaram Surajddin filed his Statement of Claim (Ex. 2) challenging the said action of the management.

3. The management of M/s. Western Coalfields Limited Sub-Area No. IV, Ballarpur filed their Written Statement in support of their action.

4. The necessary Issues were framed at Ex. 4 :

- (1) Whether the workman proves that his services were wrongfully terminated by the management?
- (2) Whether the said termination amounted to retrenchment, and whether it was in contravention of the provisions contained in Section 25F of the Industrial Disputes Act?
- (3) Whether the action of the management of M/s. Western Coalfields Limited, in Sub-Area No. IV, Ballarpur Colliery, P.O. Ballarpur, District Chandrapur (M.S.) is justified in terminating the services of the workman Shri Sitaram Surajddin w.e.f. 17-7-1983?
- (4) If not, what relief the said workman concerned is entitled to?
- (5) What Award?

5. Thereafter, while the case was at the stage of evidence, both the parties arrived at an amicable settlement, and filed the memo containing the terms of settlement (Ex. 5). The said terms and condition are thus :

TERMS AND CONDITIONS

- (1) It is mutually agreed that Shri Tandra Mallaya, TCL and 21 others will be provided work in Piece rated job as and when the work is available during the week subject to their being found medically fit.
- (2) A list of employees is enclosed as Annexure 'A'.
- (3) The Union agreed that the management can transfer these employees to any of the units of Ballarpur Area where-ever work is available for them.
- (4) The Union agreed that the status of casual/badli will remain as Casual till they are regularised by the Management as permanent.
- (5) The Union agreed that this settlement will not form a precedent.
- (6) The Union agreed that this settlement will not be quoted or referred to for any issue in future as this settlement is being signed as a special case. This settlement is in full and final of the demand. No back wages will be paid.
- (7) The Union/Workmen agreed that they will not raise any demand or dispute before any statutory or non-statutory forum regarding terms of this settlement.

6. The name of the workman in question is appearing in the list of employees who are to be provided the work by the management. The said settlement has been signed by the Personnel Manager of the management, and by the General Secretary of the workman's Union. The said workman also appeared before this Tribunal and stated that he accepted the terms and conditions of the said settlement. His thumb mark is also appearing below the said settlement.

7. I find that the said settlement is quite in the interests of the workman. As such I accept it. The Award is, therefore, drawn in terms of that settlement.

P. D. APSHANKAR, Presiding Officer

[No. L-22012/88/85-D.V/D-III(B)]

का.मा. 1386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रिस्टन कोलफील्ड लि. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, ब्रिस्टन नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-91 को प्राप्त हुआ था।

S.O. 1386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay, No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited and their workmen, which was received by the Central Government on 25-4-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/2 of 1990

PARTIES :

Employers in relation to the Management of M/s. Western Coalfields Limited Sasti Sub-Area

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri A. K. Sasi, Advocate.

For the Workman—Shri T. V. Deopujari, General Secretary, Bharatiya Koyla Khadan Mazdoor Sangh, Wardha Valley, Chandrapur.

INDUSTRY : Coal Mines STATE : Maharashtra
Bombay, the 16th April, 1991

AWARD

The Central Government by their Order No. L-22012(245)/89-IR (Coal-II) dated 15-1-1990 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :

"Whether the action of the management of Sasti Sub-Area of M/s. W.C. Ltd. in denying to correct the date of birth of Sri Sheikh Rafique, Screen Trimmer of Sasti Colliery as 8-10-1941 is justified? If not, to what relief the workman concerned is entitled?"

2. The case of the workman Shri Sheikh Rafique as disclosed the statement of claim (Ex. 3/W) filed by the General Secretary of the Bharatiya Koyla Khadan Mazdoor Sangh, Wardha Valley, Chandrapur in short is thus :

The said workman joined the service with the Ballarpur Collieries Company Limited on 29-9-1963. At the time of recruitment, 'B' form was filled by the workman. The workman was transferred to Sasti Colliery in 1970. After 1973 the Coal Industry became a Nationalized Industry. No proper record was available with the management. Therefore, a decision was taken by the Joint Bipartite Committee for Coal Industry to correct the service record of the employees. In 1987 all the employees were given four copies of the performance of the service record to fill in the correct data. However, in the case of the said workman, the date of birth and the date of appointment were wrongly mentioned therein. The workman, raised an objection. However, the management corrected only the date of appointment, and did not correct the date of birth. As per the School leaving certificate of the workman, his birth date is 8-10-41 and it is his correct date of birth. By wrongly entering some another date

as the date of birth of the workman in service record, he is made to retire 9 years earlier before the due date. The Union, therefore, prayed that the management be directed to enter 8-10-41 as the correct date of birth of the workman in the service record, and the workman be given all the consequential benefits.

3. M/s. Western Coalfields Limited by their Written Statement (Ex. 2/M) opposed the said claim of the workman and in substance contended thus :

The workman Sh. Rafique was appointed in 1970 in Sasti Colliery. At the time of his appointment, the particulars regarding his name, address and the date of birth etc. were noted in the service register maintained by the then Coal Mines Authority Limited. The date of birth of the said workman mentioned in the column of date of birth is 1-7-1932. That entry and the other entries were made in the service registers as per the information given by the workman himself. After the service register has been countersigned by the workman mentioned above. Similarly, entries have been made in the Form B Register maintained by the management. The date of birth of the workman shown therein is also 1-7-1932. That entry is also counter signed by the workman. The said workman is a member of Coal Mines Provident Fund Scheme. At the time of becoming the member of that Scheme, the workman had filled in a declaration form. The date of birth mentioned in that declaration form by the workman is 1-7-1932. Therefore, the correct date of birth of the workman is 1-7-1932, and not any other date, as alleged by him now.

4. The management further contended thus :

In Coal Mining Industries, there is a committee by name Joint Bipartite Committee for Coal Mining Industry. Certain discrepancies had appeared as regards the dates of birth of some other workman. Therefore, a notice dated 3-9-81 was issued by the Manager of Sasti Colliery to said workman stating that his date of birth recorded in the service register was 1-7-32. The said workman did not, however, challenge the entry regarding the date of birth as 1-7-32 then. He was asked to submit his objection, if any, within 90 days from the date of receipt of that notice. However, he did not then raise any objection regarding the said date of birth. He raised the objection for the first time in 1987 when the service details were circulated to the employees. However, in view of the above said entry in the service records of the workman showing his date of birth as 1-7-32, the workman's present objection cannot be accepted. As per the workman's present Statement of Claim, his date of birth is 8-10-41. However, his Union contended his date of birth as 1-7-45. Therefore, the workman is not consistent regarding his date of birth. The present reference is bad in law. The management, therefore, prayed that its action in denying to correct the date of birth of the said workman as 8-10-41 be held just and proper, and prayed for the rejection of the claim of the workman.

5. The Issues framed at Ex. 4 are :

- (1) Whether the present reference is bad in law ?
- (2) Whether the correct date of birth of the workman Shri Sheikh Rafique is 8-10-1941 ?
- (3) Whether the action of the management of Sasti Sub Area of M/s. Western Coalfields Limited, in denying to correct the date of birth of Shri Sheikh Rafique, Screen Trimmer of Sasti Colliery as 8-10-1941 is justified ?
- (4) If not to what relief the workman concerned is entitled ?
- (5) What Award ?

6. My findings on the said Issues are :

- (1) No.
- (2) No.
- (3) Yes.
- (4) Does not survive.
- (5) As per award below.

REASONS

7. Shri S. L. Joshi, the Deputy Personnel Manager, Ballarpur Area of M/s. Western Coalfields Limited filed his affidavit (Ex. 14) at length in support of the contention of the management. Shri Botla Shankar, the clerk from Sasti Colliery also filed his affidavit (Ex. 15) in support of the contentions of the management. According to both these witnesses, the correct date of birth of the workman as recorded in the service register of the management is 1-7-32. The workman has remained absent during the sitting of this Tribunal held at Nagpur in November 1990, and also during the sitting held there in March 1991. Nobody from the Union also appeared then on behalf of the workman. As such, what the said two witnesses stated in their respective affidavits, has gone unchallenged. Further, no evidence has been led on behalf of the workman in support of his case. I, therefore, accept the statements made by the said two witnesses in their respective affidavits. Ex. 10/M is a copy of the service register maintained by the Coal Mines Authority Limited in respect of the workman Sh. Rafique, i.e. the workman in question. The date of birth mentioned therein is 1-7-32. The service register form has been signed by the said workman, and is attested by some other co-employee. Ex. 13/M is a copy of the letter by the Regional Commissioner for Coal Mines Provident Fund addressed to the General Manager Western Coalfields Limited. This letter states that the date of birth of the workman in question mentioned in Form-A for the purpose of provident fund is 1-7-32. Therefore, relying upon the above said two unchallenged affidavits of the said two management witnesses, and the said documentary evidence, I find that the correct date of birth of the workman Sheikh Rafique is 1-7-32, and not 8-10-41 or 1-7-45 as contended by the workman. Issue No. 2, is therefore is found in the negative. Issue No. 3 is found affirmative. As such Issue No. 4 does not survive.

8. According to the management, the present reference is bad in law. However, as the Central Government was of the opinion that an Industrial Dispute existed or was apprehended, it referred that dispute for adjudication to this Tribunal. As such the present reference is not bad in law. Issue No. 1 is, therefore, found in the negative.

9. The following Award is therefore, passed.

AWARD

The action of the management of Sasti Sub Area of M/s. Western Coalfields Limited in denying to correct the date of birth of Shri Sheikh Rafique, Screen Trammer of Sasti Colliery as 8-10-1941 is just and proper. As such, the workman in question is entitled to no relief.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

[No. L-22012/245/90-IR (C-II)]

RAJA LAL, Desk Officer

नई दिल्ली, 23 मई, 1991

का.प्र. 1387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ इंडिया के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-4-91 को प्राप्त हुआ था।

New Delhi, the 23rd April, 1991

S.O. 1387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 22-4-91.

ANNEXURE

BEFORE THE GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 50/86

In the matter of dispute between :

The General Secretary,
Bank of India Staff Union (Delhi),
C/o Bank of India,
12-B, Connaught Place,
New Delhi.

Versus

The Zonal Manager,
Bank of India,
Northern Zone,
Herald House,
Bahadurshah Zafar Marg,
New Delhi.

APPEARANCES :

Shri T. C. Gupta—for the workman.

Shri Jagat Arora—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/30/84-D.II (A) dated 24-4-1986 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Bank of India in New Delhi in relation to their Safdarjung Enclave Branch denying promotion from subordinate staff cadre to clerical cadre retrospectively from the year 1973 to Shri Chinta Mani Pandey, Sub-staff-Daftry is justified? If not, to what relief is the workman concerned entitled?"

2. In the statement of claim the workman stated that he joined the employment of the bank on 6-7-70 as sub-staff. The Management issued a circular calling for application to fill up the vacancies in clerical cadre from subordinate cadre in 1973. The workman also submitted his application being eligible and qualified for the post. He was intimated the date, place and time for the written test and he appeared in the written test and was declared qualified. He was, however, not called for interview while others who had qualified were called. He made series of representations to the Management but they failed to give any good or cogent reason for denying him the right to appear in interview. At the time of Conciliation proceedings in which he was told that he was not qualified as he did not pass 10th standard examination from Senior Secondary Board. The workman further alleged that the management had accepted his having passed 10th standard and granted the benefit of 2 increments and paid the arrears to him. He had passed the 10th standard which was approved by the Government, Ministry of Home Affairs circular No. 6/10/8-Ests. (D) dated 11-1-62 and further certificate given by the Dy. Secretary, Central Board of Secondary Education, New Delhi on 1-6-71. The Act of the Management in denying promotion to Chinta Mani Pandey workman to clerical cadre in 1974 was, therefore, not justified.

3. The Management on the other hand in addition to some preliminary objections took up the plea that the workman was not qualified for the test and promotion from sub-staff to clerical staff because the following qualifications were fixed and the workman did not fulfil in these qualifications :

"(A) All Subordinate Staff members who have passed the S.S.C. Examination and joined the Bank before 1-4-72 will be eligible to apply ;

(Subordinate Staff members who have joined the Bank on or after 1-4-72 and have passed the S.S.C. Examination either before or after 1-4-72 will be eligible to apply only after completion of 3 years service in the Bank)

OR

(B) Have passed Std. X provided they have completed 7 years service in the Bank.

(C) Have passed Std. VIII and have completed 8 years service in the Bank."

Because of his ineligibility he could not be promoted to the clerical cadre at that time.

4. I have heard representative for the parties and have gone through the record. The only major point on the basis of which the workman C. P. Pandey sub-staff Daftry was not promoted to the clerical cadre was that he did not fulfil the qualifications for the said promotion post. Though the representative for the workman has urged that the workman had passed Pre-S.S.C. Class (X) standard and on the basis of the same he was allowed to sit in the Exam, but during the course of arguments it has been conceded by the representative for the workman that the workman did not fulfil in the qualifications of S.S.C. Exam. Pre-S.S.C. standard is a qualification lower than the SSC. So on the relevant date of eligibility he was not having the S.S.C. examination Certificate or its equivalent Examination Certificate which should make him eligible for this test. Annexure II Ex. W-2 which was a letter from Under Secretary to the Government of India, Ministry of Home Affairs only show the recognition of the Xth Class Certificate from a Higher Secondary School in India as equivalent to Matriculation Certificate for purposes of appointment to service and post under the Central Government. This recognition of X Class Certificate which the workman in this case was having was not equal to S.S.C. Certificate. Since his qualifications were not equivalent to S.S.C. and were lower than S.S.C. so he was not eligible for promotion. This short question of his qualifications debar the workman from promotion from subordinate staff cadre to clerical cadre and the Act of the Management, therefore was justified in not promoting the workman from the year 1973. Parties are left to bear their own costs.

Dated : 28th February, 1991.

GANPATI SHARMA, Presiding Officer

[No. I-12012/30/84-D.II (A)]

नई दिल्ली, 26 अप्रैल, 1991

का.प्र. 1388.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, मै.बी.सी.सी.एल. का सुदाम्दिह कोल वाशरी के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनवरत में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के धनदाय के पंखाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-3-91 को प्राप्त हुआ था।

New Delhi, the 26th April, 1991

S.O. 1388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sudamdih Coal Washery of BCCL and their workmen, which was received by the Central Government on 23-4-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 66 of 1990

PARTIES :

Employers in relation to the management of Sudamdih Coal Washery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal Washery

Dhanbad, the 16th April, 1991

AWARD

By Order No. I-20012(122)/89-I.R. (Coal-I), dated, the 30th March, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-K) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Sudamdih Coal Washery of M/s. Bharat Coking Coal Ltd., P.O. Sudamdih, Dist. Dhanbad in not regularising S/Shri Binod Bihari Mahato and 26 others is justified? If not, to what relief the concerned workman are entitled?"

ANNEXURE

NAMES OF THE WORKERS

1. Sri Binod Bihari Mahato,
2. Sri Jaleshwar Mahato,
3. Sri Sharabon Mahato,
4. Sri Bhagat Chandra Gorai,
5. Sri Ajit Thakur,
6. Sri Bijay Kumar Dey,
7. Sri Nihar Chatterjee,
8. Sri Samir Chatterjee,
9. Md. Khursid Ansari,
10. Sri Debdas Chatterjee.
11. Sri Bishun Rewani,
12. Sri Dillip Chatterjee,
13. Sri Nital Roy,
14. Sri Shankar Mahato,
15. Sri Arun Kumar Acharjee,
16. Sri Gautam Chatterjee,
17. Sri Subodh Kumar Ghosh,
18. Sri Manpuram Mahestha,
19. Sri Swapan Mahato,
20. Sri Birbal Mahato,
21. Sri Chandra Sekhar Mahato,
22. Sri Bishun Modi,
23. Sri Raju Paswan,
24. Sri Sudhir Bouri,
25. Sri Bahadur Rewani,
26. Sri Swapan Kumar Bouri,
27. Sri Amar Parmanik.

2. The case of the management of Sudamdih Coal Washery of M/s. B.C.C.L. as disclosed in the Written Statement, details apart is as follows :—

The present dispute is not maintainable because the present dispute is not a dispute comprehended under Section 2(k) of the I.D. Act and also for the fact that there exists no relationship of employer and employee between the management and the concerned persons. The present dispute is not maintainable also for the fact that the sponsoring union has claimed abolition of Contract Labour system in certain jobs. The substantive case of the management is that Kamgar Shramik Sahayog Samity, a cooperative Society is operating in Sudamdih Coal Washery; this Society is the foster child of the sponsoring Union, Bihar Colliery Kamgar Union. During 1980 when the newly constructed Sudamdih Washery Project had been put into commission, the sponsoring union under the leadership of Shri A. K. Roy, the then M.P. of Dhanbad and the President of the sponsoring union launched an agitation with demonstration before the Dy. Commissioner at Dhanbad demanding jobs in Sudamdih Washery Project for those native contract labour of Sudamdih who have been retrenched by the Contractors (Menally Bharat Engineering Company) who were entrusted with the job of construction and fabrication work of Sudamdih Washery Project. On the persuasion and pressure of the District Administration, the then Chairman-cum-Managing Director of BCCI, agreed to provide the job of slurry cleaning on contract basis to some of the retrenched workers who formed a labour cooperative in the name and style as aforesaid and the persons concerned became members and share holders of the cooperative in question at the instance of the sponsoring union so that they could get jointly the contract work allotted to them. The local followers/Office bearers of the sponsoring union are looking after the affairs of the cooperative society. Without calling tenders from the open market the management has been giving slurry cleaning removal work to the said cooperative society for several years. Earlier, the sponsoring union raised a dispute regarding absorption by the management of the workers of the aforesaid cooperative society and the Ministry of Labour Government of India, vide letter dated 22-4-88, declared the purported dispute raised by the sponsoring union unfit for reference. Subsequently, however, due to certain developments, the dispute was referred to this Tribunal for adjudication and forms subject matter of Ref. 62/89. Since the persons concerned were never the employees of the management and there was at no time employer-employee relationship between the said persons and the management the question of regularising the so-called 27 persons referred to in this reference does not and cannot arise. It transpired during the course of conciliation proceeding that the claim of the sponsoring union was a speculative one and it was based on misrepresentation. The claim of the union is liable to be rejected because it has demanded abolition of contract labour system. Anyway the action of the management in not regularising the concerned persons is justified and that the concerned persons are not entitled to any relief at all.

3. The case of the sponsoring union, Bihar Colliery Kamgar Union, as appearing in the Written Statement submitted, briefly stated is as follows :—

The concerned workmen had been working as Plant cleaning Mazdoor which is a permanent and prohibited category of job, within the precinct and premises of Sudamdih Washery since long. All of them have put in continuous service in each calendar year. They had been working under the direct control and supervision of the management and the implements necessary for execution of the job were supplied by the management. Earlier they were employed for construction of Sudamdih Coal Washery and after completion of the washery they had worked in the washery as well. Despite the aforesaid facts the management had been disbursing their wages from their own pay counter in the name of intermediary namely Kamgar Shramik Sahayog

Samity which is nothing but a legal camouflage. The management stopped them from duty illegally and arbitrarily. Some other workmen who were working along with the concerned workmen have raised an industrial dispute for their absorption in Sudamdih Washery as permanent mazdoor which was referred to the Central Government Industrial Tribunal No. 3 and the same was numbered as Ref. No. 58/81. The Tribunal passed an Award by directing the management to absorb those workmen as their regular employees with full back wages. The decision of the Tribunal has been upheld by the Hon'ble High Court and Supreme Court. The concerned workmen, however, did not raise any of the industrial dispute on the assurance of the management to give them permanent nature of job and to regularise them in service within a short period. Thereafter the management directed the concerned workmen to join their duties at Washery as washery plant cleaning mazdoor and they had been working in the washery as plant cleaning mazdoor. The Ministry of Labour, Government of India has since declared plant cleaning job a prohibited category of job but in spite of this, the management had been paying their wages through the intermediaries. The concerned workmen and their union represented before the management several times for their regularisation in service and for payment of wages as per NCWA-III and IV but without any effect. Seeing no other alternative the union was constrained to raise the present industrial dispute demanding regularisation of the concerned workmen. The management submitted its comment on 11-2-82 whereby they admitted engagement of the concerned workmen in the prohibited category of job but refused to regularise them on the ground that the workmen were engaged intermittently. The management took the position also that the concerned workmen were the employees of Kamgar Shramik Sahayog Samity and not the employees of the management. The ALC (C), Dhanbad insisted upon the management for regularisation of the concerned workmen when the management submitted another reply on the advice of its Advocate wherein the management denied that the concerned workmen were ever employed as plant cleaning mazdoors. Anyway, the conciliation proceeding ended in failure due to the adamant attitude of the management. During the pendency of the conciliation proceeding the management stopped the concerned workmen from service illegally and arbitrarily. They and their union represented before the ALC(C) Dhanbad against the illegal and arbitrary action of the management. Even then the management refused to allow them to resume their duty. The action of the management for stopping the concerned workmen during the conciliation proceeding was illegal and arbitrary and smacks of anti-labour policy. The action of the management is not also justified as it has contravened the provision of Section 25-F of the I. D. Act. In the circumstances, the union has prayed that the management be directed to reinstate and regularise the concerned workmen in service with retrospective effect with full back wages.

4. In rejoinder to the W.S. of the sponsoring union the management has reiterated its own case as made out in the Written Statement and contended that the facts of Reference Case No. 58/81 are entirely different from the facts of the present case. The management has denied that any assurance was given to the concerned persons for regularising them in service. It has been submitted further that the proceeding before the ALC(C) Dhanbad are matters of record and anything contrary to such records is not correct.

5. In rejoinder to the W.S. of the management the sponsoring union has asserted that the present industrial dispute is an industrial dispute within the meaning of Section 2(k) of the I.D. Act and that there exists relationship of employer and employee between the management and the concerned workmen. The union has further asserted that the reference is not in violation of the provision of contract labour Act and that the union has not demanded abolition

of contractor Labour system. It has been asserted that the concerned workmen had been working in the prohibited category of job under the direct supervision of the management and that the management had assured them to regularise them in service and to pay them wages at par with other plant cleaning mazdoor of different washeries. The management engaged them in plant cleaning job but forced them to receive their wages through an alleged intermediary in order to deprive them to their legitimate claim. The sponsoring union raised an industrial dispute demanding regularisation of slurry cleaning mazdoor of Sudamdih Washery. The appropriate Government on political ground, rejected the dispute for reference in violation of the specific decision of the Hon'ble Supreme Court. The sponsoring union challenged the decision of the Government before the Hon'ble Supreme Court and as soon as the Hon'ble Supreme Court was pleased to issue notice, the Government, appreciating the legal position referred the dispute for adjudication before this Tribunal, which was registered as Ref. No. 62/89. This Tribunal has been pleased to pass an Award in favour of the workmen. In the present case the demand of the sponsoring union is for regularisation of the concerned workmen and the appropriate Government has already abolished contract labour system in plant cleaning job. In the context of these facts and circumstances the sponsoring union has claimed that the concerned workmen be regularised in service and paid wages as per NCWA-III and IV.

6. The management, in order to justify its action has examined only one witness namely MW-1 Shri Indrajit Ghosh Superintendent of Mines and laid in evidence a sheaf of documents which have been marked Ext. M-1 to M-6, on the other hand the sponsoring union has also examined one witness namely WW-1 Shri Debdas Chatterjee one of the concerned workmen and laid in evidence a mass of documents which have been marked Ext. W-1 to W-11.

7. Sudamdih Coal Washery, it appears from the pleading of the management, was put into commission during the year 1980. It appears from the evidence on record that the washery complex includes main massive washery building comprising of several floors where machineries are installed and a dump hopper and 2 reclamation tunnels which are at a small distance from the main washery building.

The heart of the case, according to the sponsoring union as reflected in the Written Statement is that the concerned workmen had been working as plant cleaning mazdoor of Sudamdih Coal Washery since long under the supervision of the management and that in the process the concerned workmen had put in continuous service in each calendar year and that their work implements were supplied by the management. It is the further case of the union that although the concerned workmen had been rendering services to the management they were being paid their wages through alleged intermediaries. Kamgar Shramik Sahayog Samiti which is nothing but a camouflage in order to deprive them of their rightful claim. The management in its Written Statement has not spelt out the nature of job performed by the concerned workmen but nevertheless it has denied relationship of employer and employee between it and the concerned workmen had asserted that the concerned workmen are the employees of Kamgar Shramik Sahayog Samiti cooperative Society.

The sponsoring union in para-1 of its W.S. has stated that the concerned workmen had been working as plant cleaning mazdoor within the precinct and premises of Sudamdih Coal Washery since long with unblemished record of service. As I have pointed out earlier that the management has not spelt out the nature of work performed by the concerned workmen in its W.S. and made a general denial by stating that the facts stated in para-1 of the W.S. of the sponsoring union are not correct. At the time of hearing the management has taken the position that departmental workers have been doing the job of plant cleaning and that departmental workers performing the job at dump hopper point and at the reclamation tunnel point and whenever requirement of additional hands arise due to exigencies of work the cooperative society namely Kamgar Shramik Sahayog Samiti provides additional hands. The case which the management has made out at the time of hearing, in the context of its pleadings, is considered as an exercise in innovation and embellishment of facts made with a view to

countering the case of the sponsoring union. Anyway, MW-1 Shri Indrajit Ghosh who has been working in Sudamdih Washery since 1980 and presently holding the post of Superintendent of Mines has stated that the departmental workers are mainly doing the job of plant cleaning and he has proved a list of departmental workers marked Ext. M-1 who have been doing the job of plant cleaning. He has further stated that the departmental workers are performing the job at Dump hopper point and also at the reclamation tunnel points and normally the management does not require additional work hand at these two points but sometimes due to the exigencies of work some additional hands are required which are supplied by the cooperative society M/s. Kamgar Shramik Sahayog Samiti. He has also proved some bills raised by the Secretary of the Society for supply of workers, marked Ext. M-2 series. The management has taken the position in its written statement that the cooperative society has been given the job of slurry cleaning on contract basis under compulsive circumstances and that the concerned workmen become members and share holders of the cooperative society in question. But the concerned workmen in the present case have not been doing the job of slurry cleaning, the claim of the sponsoring union is that they have been doing the job of plant cleaning and the case of the management is a refutation of such claim without specifying the job actually performed by the concerned workmen. Shri Ghosh has admitted in cross-examination that the management has been maintaining statutory records in respect of the employees of the washery but he has been constrained to admit that no statutory document in support of the fact that the management has departmental workers to work on the job at dump hopper point and reclamation tunnel point has been filed. The management has not also filed any record to show that it has got regular departmental workmen for performing the job of plant cleaning. Shri Ghosh has admitted that they have been maintaining of records showing engagement of persons in the establishment. But he has also stated that records have been destroyed after payment have been made. He has also stated that the management do not maintain any record showing destruction of record. The evidence of Shri Ghosh indicates that the management of a public sector undertakings does not maintain any record about the engagement of workmen at his establishment after payments are made. This is something inconceivable and hard to believe. Anyway, WW-1 Shri Debdas Chatterjee one of the concerned workman has stated emphatically that since 1981 he has been working as plant cleaning mazdoor in Sudamdih Washery and the other concerned workmen have been working as plant cleaning mazdoor in Sudamdih Coal Washery. He has further stated that out of the 27 concerned workmen including himself, 25 workmen have been working as plant cleaning mazdoor since 1981 and 2 of them namely Shankar Mahato and Bijoy Kumar Dey have been working in the same capacity since 1987. His testimony reveals that plant cleaning job is done on all the floors of the building where machineries are installed and that at the dump hopper point and at the reclamation tunnel point the job of plant cleaning is done. He has emphatically stated that none except them have been working at dump hopper point and reclamation tunnel point and that they have been doing the job of total plant cleaning. Shri Ghosh (MW-1) has stated that at the dump hopper the management requires workmen for working the operation of belts, feeders, and to some extent for some manual jobs of cleaning. The sponsoring union has produced some notes which have been proved by Shri Ghosh (MW-1) and marked Ext. M-5 series. These notes bear the name of the workmen who were engaged, amongst others for plant cleaning jobs. Shri Ghosh has taken the position that these notes were prepared by the Foremen who are all members of Bihar Colliery Kamgar Union but this statement of fact that the Foremen are members of Bihar Colliery Kamgar Union in his indictment for the management has not produced any cogent evidence supportive of this fact. But then again Shri Ghosh has admitted that some of the notes bear his signature as well as the signature of the production engineer.

8. These notes Ext. M-5 series reveal that the concerned workmen along with other were engaged on plant cleaning job during the period from January, 86 to October, 88. Shri Ghosh has stated that the notes disclose that the words "plant cleaning workers of Sudamdih Washery" have been written by different hands. WW-1 Shri Debdas Chatterjee has denied this. Even so Shri Ghosh has not complained

that these words have been inserted after the notes were signed or that these words have been inserted by way of manipulation. Thus from the notes it has revealed that the concerned workmen along with others as I have pointed out before, were engaged in the job of plant cleaning during the period from January, 1986 to October 1988.

9. It appears that the sponsoring union raised the present industrial dispute before the Conciliation Officer, ALC(C), Dhanbad by its letter dated 5-10-87 which was received in the office of the ALC(C), Dhanbad on 7-10-87 marked Ext. W-1. According to the sponsoring union, the matrix of the dispute is that S/Shri Binod Bihari Mahato and 26 others have been working as plant cleaning mazdoor in Sudamdih Washery for long with unblemished record of service and the management has been denying their regularisation in service. In the context of this contention the management by its letter dated 11-2-88 addressed to the ALC(C), Dhanbad asserted that S/Shri Binod Bihari Mahato and 26 others were contract labourers and there was no employer and employee relationship between the management of Sudamdih Washery of M/s. B.C.C.L. and the concerned persons. The management further contended that the job of plant cleaning had been recently declared by the Central Government as prohibited category of job and therefore engagement of contract labourers had been completely stopped at Sudamdih Washery Project and that earlier a few contract labourers were engaged at Sudamdih Washery Project intermittently for plant cleaning and their job was not continuous, Ext. W-2. The management also stated that there could be no industrial dispute between the contract labourer and the management and the contract labourer who had been disengaged from the job of prohibited category cannot be regularised on such jobs which is not of continuous/permanent and of perennial nature, Ext. W-2. The management made this statement on 11-2-88 and stated that the job of plant cleaning had been recently declared by the Central Government as prohibited category of job. This statement is entirely misleading, for, way back on 25-7-83 the appropriate Government, by issuing a notification under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 in the Gazette of India, prohibited the employment of contract labour in the works as specified in the schedule and the schedule discloses (1) Unloading of raw coal; (2) Charing of Magnetite; and (3) Plant cleaning including removal of slippage, waste much cleaning, magnetite removal etc. as prohibited category of job. Anyway, the letter of the management as aforesaid discloses that a few contract labourers were engaged at Sudamdih Washery Project intermittently for plant cleaning job and that these contract labourers were disengaged from the jobs of prohibited category which was not of continuous/permanent and perennial nature. The statement of the management with regard to the job of plant cleaning not being perennial or permanent in nature is misleading because the appropriate Government in order to, prohibit employment of contract labourer in any job is required to take into account whether the same is of perennial nature or not under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970. Anyway, MW-1 Shri Indrajit Ghosh, adverting to Ext. W-2 has stated that the management in its comment to the ALC(C), Dhanbad has written that the concerned persons are engaged in the plant cleaning job.

It appears that the management resiled from the position taken in the aforesaid letter by its letter addressed to the ALC(C), Dhanbad dated 12-2-88 by denying engagement of contract labourers in the job of plant cleaning Ext. W-7. In the circumstances, I am constrained to hold that the management has failed to take a firm position about the engagement of contract labourers on plant cleaning job because in its earlier statement before the ALC(C), Dhanbad it took the position that some contract labourers were engaged in the job of plant cleaning which was discontinued consequent upon prohibition imposed by the Central Government and later a complete repudiation of that position by another statement to the ALC(C), Dhanbad.

10. It is the firm case of the sponsoring union that the concerned workmen had been performing the job of plant cleaning within the precinct and premises of coal washery under the direct control and supervision of the management and that all the implements necessary for execution of the job are being supplied by the management. The manage-

ment has simply denied the contention in its Written Statement. WW-1 Shri Debdas Chatterjee has stated emphatically that the management has been supervising the job of plant cleaning and the management also provides them with work implements for execution of their job. MW-1 Shri Indrajit Ghosh has also admitted that the total job of plant cleaning is supervised by the management to see the extent of progress of work. The sponsoring union has produced some requisition slips for supply of work implements marked Ext. W-10 series. The union has produced the photo copy of Sunday list for deployment of workmen at Dump hopper point marked Ext. W-9. This list includes the name of some of the concerned workmen. Thus from the evidence on record there is reason to believe that the management has been supervising the work of the concerned workmen issuing order for their deployment on Sunday and providing them with work implements.

11. The case of the management is that the concerned workmen are the workmen of the cooperative society namely Kamgar Shramik Sahayog Samity and that the management has been allotting job to the society for execution. No agreement between the management and this cooperative society has been produced before me to show that there was such an agreement. Only some bills purported to have been issued by the cooperative society have been filed, marked Ext. M-2 series. It may be that there was no written agreement between the management and the cooperative society; the agreement was verbal. Even so the management could not produce the licence of the cooperative society.

Shri R. S. Murthy, learned Advocate for the management has contended that licence for the cooperative society was not required as less than 20 workmen were engaged. This contention of Shri Murthy is not based on hard facts because it is the case of the management that the concerned workmen numbering more than 20 were the workmen of the cooperative society. Even so the establishment of the management should have been registered under Section 7 of the Contract Labour (Regulation and Abolition) Act. Under Section 7 of the said Act, the certificate of registration is required to be obtained by the principal employer and under Section 12 of the said Act the licence is to obtain by the contractor. If one of these conditions are not complied with the provision of the said Act would not be attracted and in such a situation the position would be that the workmen employed by the intermediary would be deemed to have been employed by the principal employer (1990-Lab-I.C. 1968—Gujarat) : FCI Workers Union Calcutta-Vrs-FCI, New Delhi and others). Thus in the present case the concerned workmen, in the absence of certificate of registration to be obtained by the principal employer, shall be deemed to be the employee of the principal employer i.e. the Sudamdih Coal Washery.

12. The sponsoring union has produced a photo copy of action note issued from the office of the General Manager to the Project Officer, Sudamdih Washery dated 13-8-90, Ext. W-11. The note reads as follows :

B.C.C.L.

OFFICE OF THE GENERAL MANAGER SUDAMDIH AREA

ACTION NOTE

Dated : 13-8-1990
House 8.25 P.M.

From :
GM/SA

To :
Project Officer,
SA Washery

The case of 27 (twenty seven) persons of Sudamdih Washery was brought to the notice of the undersigned. Having studied the case it is hereby being ordered that pending decision of the Tribunal in respect of these persons, they may be engaged in cleaning the Washery according to the terms and conditions as before.

These 27 persons shall be divided into 3 (three) teams of 9 persons.

1st Team : 15th Bett (Tunnel).

2nd Team : 16th Bett (Tunnel).

3rd Team : crusher House to start with 3rd then section by section of the entire washery.

NONE OF THESE PERSONS ALL BE ENGAGED FOR ANY JOB OTHER THAN CLEANING EXCEPT IN EMERGENCY AND THAT TOO AFTER OBTAINING PERMISSION FROM THE UNDERSIGNED. They be engaged from 17-8-1990.

Sd/-

General Manager,
Sudamdih Area
B.C.C.L. "

Thus it is seen from the above note that the concerned workmen were deployed on the job of cleaning and as per this note from 17-8-90.

13. Considering the fact that the concerned workmen labours to produce goods and these goods and services are for the business of the principal employer and so the principal employer shall be held to be the real employer although there might have been the presence of intermediate contractor. 1978 Lab. I.C. P-1264 (Hussainibhai Vrs. The Alath Factory Tezhilali Union and others).

14. Shri R. S. Murthy, learned Advocate for the management has contended that the present dispute is not maintainable since the concerned workmen has demanded abolition of Contract labour system on plant cleaning job. Upon consideration, of the pleading of the sponsoring union I am constrained to hold that the position is not really so. That apart this question has now become redundant since the appropriate Government has put an embargo of prohibition on employment of contract labourers in the job of plant cleaning by issuing notification already referred to above.

15. Shri Murthy urged that the sponsoring union demanded regularisation of 5 workmen of the present reference on the job slurry cleaning who figured in Ref. No. 62/89. On riffling through the records of Ref. No. 62/89 I find that S/Shri B. K. Dey and Shankar Mahato, 2 of the concerned workmen in the present case, who according to WW-1 Shri Debdas Chatterjee have been working as plant cleaning mazdoor since 1987, have been directed to be regularised in the job of slurry cleaning with effect from the date of that Reference i.e. from 25-5-88. Hence, these two workmen cannot once again be directed to be regularised on the job of plant cleaning. Excepting these two workmen, remaining other 25 workmen are entitled to be regularised in service as plant cleaning Mazdoor with effect from the date when the present dispute was raised i.e. from 7-10-87. The management is directed to regularise them as plant cleaning/general Mazdoor and to pay them wages as per NCWA-IV and difference of wages. Accordingly the following Award is rendered :—

"The action of the management of Sudamdih Coal Washery of M/s. Bharat Coking Coal Ltd., P.O. Sudamdih, Dist. Dhanbad in not regularising S/ Shri Binod Bihari Mahato and 24 others is not justified. The management is directed to regularise them in service as plant cleaning/general mazdoor with effect from 7-10-87 and to pay them wages as per NCWA-IV and to pay them also the difference of wages, i.e. the difference between the actual wages payable to them and the wages actually paid to them."

In the circumstances of the case, I award no costs.

S. K. MITRA, Presiding Officer
[No. L-20012(122)/89-IR (Coal-I)]

का.प्र. 1389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार से.बी.सी.सी. एन. का मीन गोविंदपुर कोलियरी के प्रबन्धन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिकरण, सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Govindpur Colliery of M/s. BCCCL and their workmen, which was received by the Central Government on the 23rd April, 1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 120 of 1988

PARTIES :

Employers in relation to the management of South Govindpur Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 15th April, 1991

AWARD

The present reference arises out of Order No. L-20012/200/87-D.III(A), dated, the 2nd August, 1988 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the demand of the Bihar Colliery Kamgar Union (CITU) Jharnapara, District Dhanbad for regularisation of Shri Mukul Hari as Cap Lamp Fitter by the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited, P.O. Sonardih, District Dhanbad is justified? If so, to what relief the workman is entitled and from what date?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act. 1947.

S. K. MITRA, Presiding Officer
[No. L-20012/200/87-D.III(A)/IR(C-I)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT DHANBAD

Ref. Case No. 120/88

Employers in relation to the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited;

AND

Their Workmen.

PETITION OF COMPROMISE

The Humble petition on behalf of the parties to the above reference must respectfully sheweth—

1. That, the Central Government by notification No. L-20012/200/87-D.II(A) dated 2nd August, 1988 has been pleased to refer the present dispute on the following issue :

"THE SCHEDULE"

"Whether the demand of the Bihar Colliery Kamgar Union (CITU) Jharnapara, Dhanbad for regularisation of Shri Mukul Hari as Cap Lamp fitter by the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited, P.O. Sonardih District Dhanbad is justified? If so, to what relief the workman is entitled and from what date?"

2. That, the parties have amicably settled the dispute on the following terms :—

TERMS OF SETTLEMENT

- (a) That, the concerned workman Shri Mukul Hari Sweeper will be regularised as Cap Lamp Cleaning Mazdoor.
- (b) That, the concerned workman Shri Mukul Hari will be placed in Cat. II from the date when he will resume his duty as Cap Lamp Cleaning Mazdoor on regular basis.
- (c) That, Shri Mukul Hari will not claim for difference of wages if any or other benefit of Cat. II prior to date of resumption of duty as a Cap Lamp Cleaning Mazdoor.

3. That, in view of the above settlement nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

For the Employers
Sd/-
(S. N. P. RAI)
General Manager
Govindpur Area.

For the Workmen
(R. N. SINGH)
Vice President, BCKU

(S. P. SINGH)
Personnel Manager
Govindpur Area.

(D. MOKHERJEE)
Secretary
Bihar Colliery Kamgar Union

WITNESSES :

1. Sd/-
2. Sd/-
3. Sd/-

Part of the Award.

नई दिल्ली, 29 अप्रैल, 1991

का. भा. 1390--औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरणमें, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में विनिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

New Delhi, the 29th April, 1991

S.O. 1390.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the

industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on the 23rd April, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(34)/1988

PARTIES :

Employers in relation to the management of Bank of Maharashtra, Bhopal,

AND

Their workman Shri S. K. Rastogi represented by Union of Maharashtra Bank Employees, Diwan Bhawan, Shreeram Nagar, Gulauatal, Garha, Jabalpur (M.P.).

APPEARANCES :

For Workman—Shri G. P. Gupta.

For Management—Shri A. K. Yadu.
INDUSTRY : Banking. DISTRICT : Bhopal (M.P.)

AWARD

Dated, April 10th, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12011/80/87-D.II(A) dated 7th March, 1988, for adjudication of the following dispute :—

"Whether the demand of the Union of the Maharashtra Bank Employees, Jabalpur for inviting applications from staff in accordance with the settlement dated 31st October, 1983 on the opening of the new Branch in Byron Bazar, Raipur in 1986 and not posting such willing staff in the new Branch according to seniority and cancelling the posting of Shri S. K. Rastogi as Cashier in the new Branch is justified? If so, to what relief are the workmen entitled?"

2. Undisputed facts of this case are that considering the request transfers of award staff employees bank has formulated the policy by settlement dated 31st October, 1983. In the said settlement as per para 4 specific clause was produced for consideration of transfers on the eve of opening of new branches of the Bank. It is also not disputed that Shri S. K. Rastogi was posted as a Special Assistant. It is also not disputed that the new branch was being opened in the year 1984 at Byron Bazar, Raipur. Shri S. K. Rastogi was posted at Byron Bazar Branch, Raipur. Branch ultimately opened in August, 1986.

3. According to the Union it was incumbent upon the Bank to issue circular calling for application from employees for different post of Cashier, Clerk Sub-staff in the year 1986 itself to give benefit of the same to all employees working at different branches of the bank throughout India. No such circular was issued in the year 1986. Shri Rastogi was promoted to the post of Special Assistant from Ghumka branch to Kurai branch with effect from 29th January, 1985. The said post of special Assistant is fetching higher allowance than that of a Cashier and posting and selection of special Assistant is governed by provisions of separate agreement dated 24th August, 1983. Shri Rastogi was promoted by superceding senior person in the group, such as Shri S. K. Dube and special favour was given to him. In fact, senior most clerical employee should have been given opportunity especially in view of the facts that hundreds of employees are waiting for request transfers. It is accordingly prayed by the Union that—

- (1) Tribunal may direct the bank to invite applications from clerks for Byron Bazar branch and the senior most employee who may apply may be posted as Cashier.

- (2) Tribunal may declare the action of the bank in not issuing circular inviting applications for Byron Bazar Raipur Branch in the year 1986 as unjustified.
- (3) Tribunal may direct the bank to fill in all the post or award staff at Byron Bazar Raipur Branch only after inviting Circular from all the employees of the Bank now.
- (4) Tribunal may declare the posting of Shri Rastogi as a Cashier at Byron Bazar Raipur Branch from the date of his posting to the said branch as illegal and unjustified by reverting him to the post of Clerk from Cashier to his previous branch.
- (5) Any other relief that the Tribunal may deem fit.
- (6) Saddle the cost of the case.

4. According to the management, it is wrong to say that it did not issue Circular. Calling for applications for request transfers at this new branch as per policy dated 31st October, 1983 the Circular, was issued on 31st October, 1984. Shri Rastogi was not promoted as a Special Assistant. Senior most person is awarded this post which carries certain allowance. He was transferred to Jabalpur Branch, then back to Byron Bazar Branch and thereafter Ghumka branch the original branch from which he was transferred and ultimately to Byron Bazar Branch Raipur as per his earlier request. Though an offer for Special Assistant was issued to Shri Rastogi at Kurai Branch on 14th January, 1985 and he accepted it on 29th January, 1985. But later on due to his family problems he gave up his claim and requested to be posted at Raipur, Byron Bazar Branch, which was to be opened shortly and his prayer was accepted. No senior person was effected thereby. Reference is not tenable and is liable to be rejected.

5. Reference was the issue in this case.

6. Workman has filed five documents Ex. W/1 to Ex. W/5 while the management has filed nine documents Ex. M/1 to Ex. M/9. Relevant clause of Ex. W/1 runs as under :

"4 Transfer to New Branches—

- (i) The present practice of issuance of circulars from Central Office, calling applications will be continued while opening of new branches and at least 50 per cent of the staff required for new branches would be considered from the eligible candidates seeking transfers at those centres and the remaining may be considered from the candidates newly appointed as per BSRB allotment.
- (ii) Whenever new candidates are not available, the staff will be provided as per seniority of the request transfer applicants whose applications are received in the Staff Division for the proposed branch."

The mere reading of Clause 4(i) would reveal that it does not lay down that the request transfers should be made on seniority basis while this fact has been asserted in Sub-clause (ii) of Cl. 4. In the same way, Ex. W/5 though discloses that Shri B. K. Dubey was arrayed at no. 6 and Shri S. K. Rastogi at no. 7, showing that Shri Dubey was senior to Shri Rastogi, there is no material on record to show that Shri Dubey had made a request for posting at Byron Bazar Branch, Raipur. I will not deal in details relating to the seniority of Shri Dubey or Shri Rastogi because the seniority is not in issue or under reference. Reference is that the senior member has not been given preference while posting at Byron Bazar Branch, Raipur in 1986. I will also not deal with the fact that special assistant of cashier are senior posts of allowance.

7. Now coming to the fact whether the applications were called for by the management or not, the management has filed document Ex. M/3 and various other documents to show that Shri Rastogi was clerk simpliciter.

8. Management has filed Ex. M/1 to show that applications were invited for opening of new branch at Byron Bazar, Raipur on 31st October, 1984 and the applications were submitted in consequence of this invitation which is evident from Ex. M/2. Ex. M/4 is, however, not legible.

9. The technical point as sought to be raised is that these applications should have been invited in the year 1986 because the Branch had actually opened in the year 1986. Taking a decision to open a branch is one thing and actually opening of a branch is another thing. Obviously, decision for opening of a branch was taken and consequently applications were invited. It is a well known fact that in order to establish a new office much earth has to be cut right from search of an accommodation to furnish the establishment and that takes time. If the Union wants to go by technicalities, another one year would take to give a posting in a vacant furnished office which is certainly not the desired purpose. Thus there was nothing wrong when applications were invited in the year 1984 since a decision was taken. The applications would certainly be kept pending and would be scrutinised after the offices were opened. Thus the entire reference has to be answered in negative. The workmen are not entitled to any relief. Costs as incurred. Reference is answered accordingly.

V. N. SHUKLA, Presiding Officer

[No. L-12011/80/87-D.II(A)]

का. मा. 1391—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ इंडिया के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार की 23-4-91 को प्राप्त हुआ था।

S.O. 1391.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on the 23-4-1991.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR, (M.P.)

CASE NO. CGIT/LC(R) (23)/1987.

PARTIES :

Employers in relation to the management of Bank of India, Russal Chowk, Napier Town, Jabalpur (M. P.) and their workman, Shri Shiv Kumar Thakur, Sub-staff represented through the M. P. Bank Employees Association, Parvana Bhawan, Aminpara, Raipur, (M.P.).

APPEARANCES :

For Workman—Shri P. N. Sharma.

For Management—Shri R. K. Kardam.

INDUSTRY : Banking

DISTRICT : Raipur (M.P.)

AWARD

Dated : April 8th, 1991

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-12012/123/86-D. II. A, dated 9th March, 1987 and Corrigendum Notification dated 10th April, 1987, for adjudication of the following dispute :—

"Whether the action of the management of Bank of India is justified in terminating the services of Shri Shiv Kumar Thakur, Sub-staff at their Raipur Branch w.e.f. 18-3-1985 ? If not, to what relief the employees concerned is entitled ?"

2. Facts leading to this case are that the workman was initially appointed by the Bank at their Raipur Office on 10-11-1980 as temporary sub-staff and he was employed in

the said capacity from time to time. He has been discontinued from service from 18-3-1985.

3. According to the workman, he was first appointed on 10-11-1980 and thereafter from 10-11-1983 and was employed for the period as detailed below :—

Particulars of employment			Wages not paid for intervening Sundays Holidays	
From	to	No. of days	Sundays	Holidays
1	2	3	4	
18-1-83	22-1-83	05		
27-1-83	—	01		
31-1-83	—	01		
25-2-83	—	01		
28-2-83	15-3-83	16		
22-3-88	—	01		
24-3-83	16-4-83	24		
20-4-83	22-4-83	03		
26-4-83	2-5-83	07	1-5-83	
4-5-83	—	01		
6-5-83	9-5-83	04	8-5-83	
11-5-83	—	01		
13-5-83	—	01		
13-5-83	25-5-83	10		
30-5-83	2-6-83	04		
6-6-83	11-6-83	06		
17-6-83	23-5-83	07	19-6-83	
27-6-83	—	01		
29-6-83	2-7-83	04		
8-7-83	15-7-83	08	10-7-83	12-7-83
19-7-83	26-7-83	08	24-7-83	
29-7-83	16-8-83	19	31-7-83	15-8-83
			7-8-83 &	
			14-8-83	
18-8-83	2-9-83	16	21-8-83	23-8-83
			28-8-83	&
				31-8-83
5-9-83	13-9-83	09	11-9-83	10-9-83
16-9-83	—	01		
19-9-83	22-9-83	04		
28-9-83	4-10-83	07	2-10-83	
7-10-83	11-10-83	04	9-10-83	
19-10-83	22-10-83	04		
27-10-83	1-11-83	06	30-10-83	
3-11-83	—	01		
8-11-83	15-11-83	08	13-11-83	
18-11-83	—	01		
21-11-83	21-12-84	31	18-12-83	
26-12-83	18-1-84	24	1-1-84,	
			8-1-84 &	
			15-1-84	
20-1-84	25-2-84	37	22-1-84	26-1-84
			29-1-84 &	
			5-2-84	
1-3-84	7-3-84	07	4-3-84	
12-3-84	27-3-84	16	18-3-84,	17-3-84
			25-3-84	
2-4-84	5-4-84	04		
7-4-84	18-4-84	12	8-4-84 &	10-4-84
			15-4-84	&
				13-4-84

1	2	3	4	5
20-4-84	4-6-84	46	27-5-84,	
			3-6-84	
9-6-84	13-6-84	05	10-6-84	
15-6-84	16-5-84	02		
19-6-84	22-6-84	04		
26-6-84	2-7-84	07	1-7-84	
4-7-84	14-7-84	11	8-7-84	
18-7-84	23-7-84	06	22-7-84	
28-7-84	1-8-84	05	29-7-84	
6-8-84	7-8-84	02		
9-8-84	14-8-84	06	12-8-84	11-8-84
18-8-84	23-8-84	06	19-8-84	20-8-84
28-8-84	3-9-84	07	2-9-84	30-8-84
10-9-84	13-9-84	04		
17-9-84	—	01		
19-9-84	22-9-84	04		
26-9-84	—	01		
28-9-84	5-10-84	08	30-9-84	2-10-84
				&
				4-10-84
8-10-84	23-10-84	16	21-10-84	
1-11-84	2-11-84	02		
5-11-84	30-11-84	26	18-11-84	8-11-84
			25-11-84	
3-12-84	5-12-84	03		
7-12-84	—	01		
13-12-84	17-12-84	05	16-12-84	
20-12-84	—	01		
22-12-84	26-12-84	05	23-12-84	25-12-84
3-1-85	28-1-85	26	6-1-85,	26-1-85
			13-1-85	
			&	
			27-1-85	
1-2-85	1-3-85	29	3-2-85	
			&	
			24-2-85	
4-3-85	6-3-85	03		
13-3-85	17-3-85	05	17-3-85	

Wages not paid for intervening Sundays 49 days.

Wages not paid for intervening Holidays 18 days.

Total No. of days of employment 572 days.

He was given breaks in service as detailed in Annexure 'B'—

Particulars of intermittant breaks		No. of days.
From	To	
1	2	3
19-1-84	—	01
26-2-84	29-2-84	04
8-3-84	11-3-84	04
28-3-84	1-4-84	05
6-4-84	—	01
19-4-84	—	01
5-6-84	8-6-84	04
14-6-84	—	01
17-6-84	18-6-84	02
23-6-84	25-6-84	03
3-7-84	—	01
15-7-84	17-7-84	03
24-7-84	27-7-84	04
2-8-84	5-8-84	04
8-8-84	—	01

1	2	3
15-8-84	17-8-84	03
24-8-84	27-8-84	04
4-9-84	9-9-84	06
14-9-84	16-9-84	03
18-9-84	—	01
23-9-84	25-9-84	03
27-9-84	—	01
6-10-84	7-10-84	02
24-10-84	31-10-84	08
3-11-84	4-11-84	02
1-12-84	2-12-84	02
6-12-84	—	01
8-12-84	12-2-84	05
18-12-84	19-12-84	02
21-12-84	—	01
27-12-84	2-1-85	07
29-1-85	31-1-85	03
2-3-85	3-3-85	02
7-3-85	12-3-85	06

Total—101 days

He has accordingly pleaded continuous service of one year within the meaning of Section 25-B(ii) of the I. D. Act. His services could not be terminated and are violative of the provisions of Section 25-F of the I. D. Act. The order of termination of service is liable to be set aside and the workman is entitled to the following reliefs :—

- Forthwith reinstate the workman Shri Thakur in Bank's service as a full time member of Sub-staff and payment of arrears of wages along with graded increments from their due dates with retrospective effect from the date from which he was employed continuously w.e.f. 18-1-1988 and for Intermittant periods during which he was illegally retrenched and also w.e.f. 18-3-1985 till the date he is allowed to resume his duties on reinstatement.
- Grant all other benefits to which Shri Thakur would have been entitled to under the Bi-partite Settlements for the period of service already rendered and unemployment due to illegal retrenchment i.e. leave, Sundays and other Holidays, Medical Aid, cost of liveries, Bonus etc. etc.

4. Management has denied the claim of the workman. According to the management, the workman not being a member of M. P. Bank Employees Association, nor a regular employee the Union has no locus standi to raise this dispute and the same is liable to be rejected on this ground alone.

5. The workman was a Badli staff and was not a regular employee.

6. As per policy of the management, it was decided that all the candidates who have been sponsored by the Employment Exchange and have completed 90 days would be put to simple written test for the purpose of selection to the regular employment as Badli Sepoys. As a gesture of goodwill the workman who have not completed one year continuous service the management gave an opportunity to him and he was asked to appear for test on 26-2-1984. He appeared in the test but was declared unsuccessful. Therefore he could not be taken in service and he is not entitled to any relief whatsoever.

7. Reference was the Issue in this case.

8. There is no material to show that this reference cannot be sponsored by the Union. The workman himself has appeared and contested the case and this Tribunal shall not go into the technicalities to devolve the workman of his rights.

9. Coming to the facts of this case, the management has not denied averments made in para 1 of the statement of

claim as also the days of work the workman has performed and period of his absence.

10. According to Annexure 'A' the workman had worked for 572 days. We have to judge whether he had worked for 240 days during last preceding year, i.e. during the period from 17-3-1984 to 18-3-1985. From the above details of employment from 17-3-1984 to 18-3-1985 the total period the workman had worked including the Sundays and Holidays comes to 294 days leaving the Intermittant period on which days work was not taken by the employer.

11. It is evident from the record that the cessation of work i.e. interruption in his services is not due to any fault on the part of the workman concerned and this fact has also to be kept in mind that the workman had been working since January, 1983 to March, 1985 with intervals from time to time. The case of H. D. Singh Vs. Reserve Bank of India and Others [1985 SCC(L&S)P. 975] is note worthy in this regard. See also Stae Bank of India Vs. N. Sundera-money.—AIR 1976 SC P. 1111.

12. Referring to the documents Ex. M/1 to Ex. M/4 as also the testimony of M.W. 1, S. D. Saraf, M.W. 2, S. R. Setty and N. C. Jain M.W. 3 along with Ex. M/4 it can be seen that a peculiar approach has been made by the management. A reference of Ex. M/4 should be made in this regard and clauses 1, 2, 3 and 4 are note worthy. They are as under :—

- Those Budlee Sub-staff, who had worked for 240 or more budlee days in any block of consecutive 12 months and who continue to be engaged by the Bank as budlee sub-staff even at present, are to be absorbed as sub-staff in the Bank's service w.e.f. 1st September, 1983, whether or not they were sponsored by the Employment Exchange.
- The cases of those budlee sub-staff who completed 240 or more budlee days in any block of consecutive 12 months in the past, but who are not being engaged as budlee at present, are to be referred to Head Office for decision.
- The budlee sub-staff, who had not been sponsored by the Employment and who have worked for 90 or more but less than 240 budlee days on the appointed date are to be administered a simple written test for the purpose of their regular empanement as Budlee sub-staff.
- All the budlee sub-staff, who had been sponsored by the Employment Exchange are to continue as panels of budlee sub-staff without undergoing the selection procedure of written test mentioned hereinabove.

13. It is undisputed that the workman concerned had completed more than 90 days service in any case and even admitted by the management. In the light of the aforesaid clauses it was not justifiable to reterch the workman concerned because he had not come through Employment Exchange. As I have already pointed out that he was made to serve from January, 1983 to March, 1985 from time to time. That being so, it was immaterial in the instant case to put him to written test and discard him. He worked already for the period he was given work. After lapse of almost three years his services were discontinued merely because he had not come through the Employment Exchange. As such he had to undergo a written test which he does not appear to have passed. He was a Sub-staff and what written test could be taken when this test was done away with for the employees who had come through Employment Exchange. If that was the case, the management would initially call the persons through the Employment Exchange only whether temporary, casual or badlee. Thus in the totality of the facts of the case the management's action for discontinuance of the services of the workman from 18-3-1985 cannot be justified. He is accordingly entitled to reinstatement and compensation of Rs. 5000/- (Rupees Five Thousands) for the period he was out of job with continuity in service and all consequential benefits following from there. He would however, not be entitled to wages for the period he was out of employment till this date. The reference is accordingly answered as follows :—

The action of the management of Bank of India is not justified in terminating the services of Shri Shiv Kumar Thakur, Sub-staff at their Raipur Branch w.e.f. 18-3-1985. He is entitled to reinstatement w.e.f. 18-3-1985 with compensation of Rs. 5,000/- for the period he was out of job, with continuity of service and all consequential benefits flowing therefrom. He would, however, not be entitled to wages for the period he was out of employment till this date. No order as to costs.

V. N. SHUKLA, Presiding Officer.
[No. L-12012/123/86-D. II (A)]

का. भा. 1392:--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सूनिप बैंक आफ इंडिया के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on the 23rd April, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(104)/1988

PARTIES:

Employers in relation to the management of Union Bank of India, Regional Office, Gurunanak Market, Rasal Chowk, Jabalpur and their workman, Shri Sitaram Shrivastava, represented through the M. P. Bank Employees Union C/o Union Bank of India, Russel Crossing, Jabalpur-482001.

APPEARANCES:

For Workman—Shri R. K. Gupta, Advocate.

For Management—Shri S. K. Rao, Advocate.

INDUSTRY: Banking. DISTRICT: Jabalpur (M.P.).

Dated, the 15th April 1991

AWARD

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-12012/34/87-D.II (A), dated 2nd September, 1988, for adjudication of the following dispute:—

“Whether the action of the management of Union Bank of India in denying regular increments to Shri Sitaram Shrivastava for the period 19-7-73 to 14-7-77 when he was part time sweeper and on appointment/conversion as peon from 15-7-77 without giving any benefit of his past service while fixing his salary etc. is justified? If not, to what relief is the workman entitled?”

2. Facts relating to this case are that the workman concerned was a part time Sweeper in the Sehora Branch of the Bank since 19-7-73. He worked there upto 14-7-77 and was absorbed as full time Peon with effect from 15-7-77.

3. The workman says that as per Bipartite Settlement as well as various Circulars issued by the Bank from time to

time the workman should have been given increments on the basis of his past service and fix his salary accordingly. That has not been done. This benefit was, however, extended to Shri S. N. Gupta who had a similar case as that of the workman concerned. He is, therefore, entitled to be fixed in full time scale considering his past service and be accorded increments as also the arrears.

4. Management has denied the claim of the workman. According to the management, his services were utilised as and when necessary and he was paid remuneration for the period he worked. He was first appointed by mistake without approval of the Central Office because he was not qualified. However, the disqualification was condoned and he was appointed in the post of Peon on humanitarian grounds looking to his past service. He is not entitled to the claim on the basis of the alleged Bi-partite Agreement. He was doing part time job for a period of two hours i.e. one hour in the morning and one hour in the evening. The period of part time cannot be considered for the past claim by the workman. Reference is liable to be rejected.

5. The workman has filed one document Ex. W/1 which is a copy of the extract of Staff Circular No. 2174 dated 3rd July, 1980. The workman has examined P. K. Chakravorty (W.W. 1) in support of his case. Management has examined V. V. Kashkar (M.W. 1). I have gone through the evidence on record.

6. Obviously the workman is basing his claim on the basis of Ex. W/1 as is further clear from the cross-examination (para 3) of W.W. 1, P. K. Chakravorty.

7. Now we revert to Ex. W/1. Ex. W/1 starts as thus—

“Parties agree that henceforth for fitment of Part Time Employees consequent on their appointment on Full Time basis the pro-rate increment earned by them” (underlined by me).

This Agreement came into existence from 3rd July, 1980. The workman was absorbed on 15-7-77 prior to coming into force of Ex. W/1. Obviously, it has no retrospective effect. Thus the workman is not entitled to the claim on the basis of Ex. W/1 because obviously it has a prospective effect.

8. But in order to avoid anomaly that may arise, it is observed that the workman should not be fixed at a lesser emoluments than given to the next junior to him in the gradation list. Award is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-12012/34/87-D.II(A)]

नई दिल्ली, 3 मई, 1991

का. भा. 1393:--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ इंडिया के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है,

New Delhi, the 3rd May, 1991

S.O. 1393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen.

ANNEXURE

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

माननीय न्यायाधीश श्री मोतीलाल गुप्ता श्राव. एच. जे एस
केस नं. सी. आई. टी. 70/88

केन्द्र सरकार श्रम मंत्रालय की संज्ञासूचना संख्या ए. 1.
12012/236/88-डी. 2(ए) दि. 2-11-88

क्षेत्रीय सचिव, बैंक आफ बड़ोदा, रजिस्ट्रार यूनिवर्सिटी
9/ 665, राजेंद्र पुरा, जयपुर।

बनाम

क्षेत्रीय प्रबंधक, बैंक आफ बड़ोदा, जयपुर।

उपस्थिति :

यूनिवर्सिटी की ओर से : श्री अशोक परियार
नियोजक की ओर से : श्री आर. सी. पापडीवाल

दिनांक अक्टूबर 30 -11-90

अवार्ड

केन्द्रीय सरकार के श्रम मंत्रालय ने अपनी अधिसूचना सं. एल.
12012/236/88 डी 2 (ए) दि. 2-11-88 के द्वारा निम्नलिखित
विवाद इस न्यायाधिकरण को अपने अधिनियम हेतु प्रेषित किया है।

"Whether the action of the management of Bank of Baroda in refusing arrangement of duties of Special Assistant to Shri D. N. Khant is justified? If not, to what relief is the workman entitled?"

2. श्री आर. सी. पापडीवाल विपक्षी की ओर से उपस्थित है।
यूनिवर्सिटी की ओर से कोई हजरत नहीं है। श्री पापडीवाल ने श्रमिक की ओर से कार्यवाही न करने की बातें याचिका पेश की न्याय द्वि में यूनिवर्सिटी को प्रति येजी आती आवश्यक है। नरुन यूनिवर्सिटी को येजी आकर आदेश हो कि सुनवाई व उचित आदेश दि. 20-12-90 को पेश हो। काम लिखे जाने के बाद श्री जगदीश परियार यूनिवर्सिटी की ओर से हजरत आये श्री परियार ने जाहिर किया कि यूनिवर्सिटी व श्रमिक इस प्रकार की आगे कार्यवाही नहीं करना चाहते हैं अतः इस प्रकार में डिस्पूट अवार्ड जारी करने से करीबन प्रतिनिधियों को एतराज नहीं है। अतः इस प्रकार में "तो डिस्पूट अवार्ड" पारित किया जाता है जो केन्द्रीय सरकार को प्रकाशित प्रेषित किया जावे।

गोपाल लाल गुप्त न्यायाधीश

[सं. एल 12012/236/88-डी II (ए)]

सं.अ. 1391-आयोग विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार औद्योगिक बैंक आफ कामर्स के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच अंतर्गत में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण जयपुर के पंचाट को प्रकाशित करती है।

S.O. 1394.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen.

अनुमत्य

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर, राजस्थान। पदार्थन
अधिकारी श्री गोपाल लाल गुप्त आर. एन. जे. एल.

केम नं. सी आई. टी. 1/88

केन्द्रीय सरकार श्रम मंत्रालय की अधिसूचना संख्या एल.
12011/6/87/डी-4 (ए) दिनांक 22-12-87

1. श्री एम्. दत्तल गुप्ता, 276 गणपि मेन्टर कोटा।

1. अधिस्टेड सैक्रेटरी, इण्डियन नेशनल बैंक एम्प्लॉईज

1238 GI/91-6.

अधिसूचना, मु. स्टेट बैंक आफ बीकानेर एण्ड जयपुर, बीकानेर।

बनाम

1. शाखा प्रबंधक, ओरियन्टल बैंक आफ कामर्स, नोहरा,
(श्री गंगानगर)

2. क्षेत्रीय प्रबंधक ओरियन्टल बैंक आफ कामर्स, दूसरा तल, मंसार
चन्द्र रोड, जयपुर।

उपस्थिति :

श्रमिक पक्ष की ओर से : श्री पी. बी. कल्ला

नियोजकपक्ष की ओर से : श्री बी. एम. खन्

दिनांक : 21-11-90

अवार्ड

भारत सरकार के श्रम मंत्रालय ने दिनांक 22-12-87 के आदेश से निम्नलिखित विवाद इस न्यायाधिकरण को अधिनियम हेतु प्रेषित किया है :

"Whether the action of the management of Oriental Bank of Commerce in terminating the services of S/Shri Shambhoo Dayal Gupta, Hait Ram Vyas, Ratan Kumar Pareek Ashok Kumar Tiwari, Subhas Chandra Swami, Ashok Kumar Soni, Jai Chand Beniwal, Mohan Lal Khatoria, Rajesh Kumar Kausik, Girdhari Lal Sharma, Munshi Kha, Rovindra Kumar Sharma Nand Lal Purohit and Jai Shanker Prasad and not considering them for further employment while recruiting fresh hands under Section 25-H of the Industrial Disputes Act is justified? If not, to what relief the workmen concerned are entitled?"

2 अपने क्षेत्र विवरण दिनांक 11-1-88 में श्री एम. एल. भारती, सहायक सचिव इण्डियन नेशनल बैंक एम्प्लॉईज कोष में यह प्रकट किया है कि संलग्न सूची में वर्णित 12 कर्मचारियों ने ओरियन्टल बैंक आफ कामर्स की नोहर शाखा में अस्थायी तौर पर 80 दिन काम किया था इसके बाद बैंक ने इन कर्मचारियों को सेवा से मुक्त कर दिया था और इस प्रकार औद्योगिक विवाद अधिनियम 1947 की धारा 25(ख) का उल्लंघन किया था। यह भी कहा गया है कि बैंक ने इन कर्मचारियों को शास्त्रीय अवार्ड के अनुसार 15 दिन का नोटिस नहीं दिया था। यह भी कहा गया है कि इन कर्मचारियों को हटाने के बाद अगले कर्मचारियों से 80 दिन कार्य लिया गया था और फिर हटाकर नये कर्मचारियों से कार्य लिया गया था एवं ऐसा करने में निराश्रत का उद्देश्य कर्मचारियों को 240 दिन पूरे नहीं होने देना था। यह भी कहा गया है कि कर्मचारियों को हटाने में धारा 25(ख) का उल्लंघन किया गया है। क्लेम विवरण में यह कहा गया है कि नई तर्ज करी करी 240 दिनों को पुनः सेवा में नहीं रखा गया था एवं इस प्रकार अधिनियम की धारा 25 (ज) तथा औद्योगिक विवाद (केन्द्रीय) नियम 1957 के नियम-77 एवं 78 का उल्लंघन किया गया है। क्लेम विवरण में यह भी कहा गया है कि नियोजक द्वारा इन कर्मचारियों को हटाने की कार्यवाही अवैध है क्योंकि नोटिस अवधि का वेतन भी नहीं दिया गया एवं शास्त्रीय अवार्ड के पत्र में 493, 495, 507, 516, 519, 522 एवं 524 तथा द्वितीय वार्षिक समीक्षा 1966 के अंतर्गत पत्र सं. 20-7-एवं 20.8 का उल्लंघन किया गया है। यह अनुमति किया गया है कि इन 11 कर्मचारियों को सेवा से हटाने की विधि से पुनः सेवा में लेने का आदेश दिया जाये एवं उन्हें सभी लाभों को प्राप्त करने का अधिकारों घोषित किया जाये। इस क्लेम विवरण में संलग्न सूची में सर्व श्री हेमराम श्याम, रतन कुमार पारिक, अशोक कुमार निवाडी, मुभाष चन्द्र स्वामी,

अशोक कुमार सोनी, जयचन्द बैनीवाल, राजेश कुमार कोशिक, रविन्द्र कुमार शर्मा, मुंशी खां, मन्दलाल पुरोहित, जयशंकर प्रसाद एवं गिरधारी लाल शर्मा के नामों का उल्लेख करते हुए यह कहा गया है कि इन्होंने जनवरी 1981 से अक्टूबर 1985 की अवधि में कमी भी 80 दिन का कार्य किया है।

3. शम्भूवलाल गुप्ता ने अपना क्लेम पृथक से दिनांक 18-1-83 को प्रस्तुत किया था, जिसमें लगभग इसी प्रकार के तथ्य प्रकट किये गये थे। कर्मचारियों के अनुसार उसने विपक्षी बैंक में दिनांक 21-3-83 से 4-5-83 एवं 11-6-83 से 22-7-83 तक लिपिक के पद पर कार्य किया था।

4. अपने उत्तर दिनांक 29-2-88 में विपक्षी नियोजक बैंक ने क्लेम विवरण का विरोध किया था तथा प्रारम्भिक आपत्तियाँ उठाई थीं। यह कहा गया है कि कर्मचारियों को विष्कूल अवस्थाई हैसियत से सेवा में तत्कालीन कार्य की निपटाने के लिए रखा गया था एवं ऐसे कर्मचारियों की अवधि विपक्षीय समझौते के अनुसार 90 दिन से अधिक की नहीं हो सकती थी। यह भी कहा गया है कि शास्त्री अवाई के अंतर्गत ऐसे कर्मचारियों को हटाने के लिए 15 दिन का नोटिस देना आवश्यक नहीं था। यह भी कहा गया है कि विवाद सीमित है। अतः अधिनियम की धारा 25(च) तथा समझौतों तथा अधिनिर्णयों के आधार पर प्राप्ति को कोई अनुतोष प्राप्त करने का अधिकार नहीं है। यह कहा गया है कि प्रार्थीगण की सेवा अवधि बहुत ही कम थी, अतः धारा 25(ज) के प्रावधान प्रभावकारी नहीं हैं। यह आरोप किया गया है कि प्रार्थीगण के क्लेम को निरस्त किया जाए एवं विवाद को बैंक के पक्ष में निर्णय किया जाए।

5. अपनी मौखिक सहाय में राजेश कुमार, रत कुमार, जयचन्द, हेताराम अशोक कुमार सोनी, अशोक कुमार, सुभाष चन्द स्वामी, मन्दलाल, पुरोहित, रवीन्द्र कुमार शर्मा, जयशंकर प्रसाद, गिरधारी लाल, मुंशी खां ने अपने शपथ पत्र प्रस्तुत किये हैं, उधर बैंक की ओर से ग्रहण चौधरी तत्कालीन मैनेजर, आरियन्टल बैंक आफ कामर्स, नौहर शाखा एवं एस. एस. विजय प्रादेशिक प्रबंधक के शपथ पत्र प्रस्तुत किये गये हैं।

6. बैंक की ओर से लेख पत्र भी प्रस्तुत किये गये हैं, जिसमें कर्मचारियों द्वारा सेवा प्राप्त करने के लिए प्रस्तुत प्रार्थनापत्रों की प्रतिलिपियाँ बैंक का उपरिस्थि रजिस्टर, वेतन बिल एवं एक कर्मचारी के नियुक्ति आदेश की प्रतिलिपि सम्मिलित हैं।

7. हमने पक्षकारों के विज्ञान प्रतिनिधियों को सूचना दी है एवं पत्रावली पर प्रस्तुत सामग्री का अध्ययन कर लिया है।

8. कर्मचारियों की ओर से यह सम्बोधित किया गया है कि आंशिक विवाद अधिनियम 1947 की धारा 25(ज) छंटनी किये गये कर्मचारियों को पुनः नियोजन के सम्बन्ध में हैं तथा यह प्रावधान अधिनियम की धारा 25 (च) अथवा 25 (ब) पर निर्भर नहीं करता है। उनके मत में प्रत्येक छंटनी किये हुए कर्मकार को, जो हो उसकी नियुक्ति अवधि 240 दिन से कम की हो पुनः नियोजन के समय उसी नियोजक के कार्यालय में नियोजन प्राप्त करने का अधिकार है। इस सम्बन्ध में उन्होंने हमारे समक्ष

कानपुर आंशिक न्यायाधिकरण

अधिनिर्णय दिनांक 29-1-86 (8/84)

पी. के. सेठ

बनाम

मैनेजर, स्टेट बैंक आफ वीकानेर एंड जयपुर की फोटो प्रतिलिपि प्रस्तुत की है। उन्होंने यह दलील दी है कि शास्त्री अवाई के अनुसार इन कर्मचारियों को सेवा से हटाने के पूर्व 15 दिन का नोटिस देना आवश्यक था एवं ऐसा नोटिस नहीं दिये जाने के कारण ये कर्मकार सेवा में पुनः स्थापित होने के अधिकार हैं।

9. दूसरी ओर विपक्षी बैंक की ओर से यह सम्बोधित किया गया है कि अधिनियम की धारा 25(ज) के प्रावधान आत्मनिर्भर नहीं हैं। उनके मत में यह प्रावधान तभी काम में लाया जा सकता है जबकि किसी कर्मकार को 240 दिन की सेवा अवधि समाप्त हो जाने के पश्चात धारा 25 (च) के प्रावधानों के अनुसार हटाया जाय। संक्षेप में उनकी यह दलील है कि धारा 25(ज) में छंटनी किये गये कर्मचारियों से तात्पर्य उन कर्मचारियों से हैं, जिन्हें विधिक रूप से हटाना देने के पश्चात एवं धारा 25 (च) की पालन करने के पश्चात सेवा से हटाया जाता है। अपनी दलीलों की पुष्टि में उन्होंने दिल्ली आंशिक न्यायाधिकरण,

अधिनिर्णय दिनांक 29-7-87 (35/86)

उमाकांत पांडे

बनाम

आरियन्टल बैंक ऑफ कामर्स

की फोटो प्रति एवं

देहली आंशिक न्यायाधिकरण,

अधिनिर्णय दिनांक 10-6-85 (19/83)

डी. एन. श्रुवेला

बनाम

एस. बी. बी. जे., जयपुर

की फोटो प्रति प्रस्तुत की है। उन्होंने यह भी दलील दी है कि शास्त्री अवाई तथा द्विपक्षीय समझौते के प्रावधान प्राज्ञापक प्रकार के नहीं हैं।

10. हमने इन दलीलों पर सावधानी से विचार किया है। इस विवाद में हम तथ्य पर पक्षकारों में सहमति है कि किसी भी कर्मकार, जिसका विवाद प्रस्तुत किया गया है, की सेवा अवधि 90 दिन से अधिक नहीं रही है। यह सेवा अवधि कोई 55 दिन से लेकर 88 दिन की है। यह भी विवाद का विषय नहीं है कि इन कर्मकारों को सेवा से हटाने के पूर्व इन्हें कोई नोटिस नहीं दिया गया था एवं न ही नोटिस अवधि का वेतन दिया गया था। यह भी लगभग स्वीकृत तथ्य है कि इन कर्मकारों की नियुक्ति अवस्थाई पत्र पर की गई थी। यह तथ्य इन कर्मकारों द्वारा प्रस्तुत प्रार्थना पत्रों की फोटो प्रति से भी स्पष्ट होता है। इन कर्मकारों को एक को छोड़कर नियुक्ति पत्र प्रस्तुत नहीं किये गये हैं। बैंक का यह स्पष्टीकरण रहा है कि अधिक समय जीत जाने के कारण ऐसा रिकार्ड उपलब्ध नहीं हुआ है। एक नियुक्ति पत्र जिसे प्रस्तुत किया गया है वह जयशंकरप्रसाद से सम्बन्धित है जिसमें यह कहा गया है कि कर्मकार की नियुक्ति छुट्टी व्यवस्था या कुछ समय के लिए कार्य बद्धि के कारण अवस्थाई है इस आदेश में बाणत अवधि की समाप्ति पर उसकी सेवा स्वतः समाप्त हो जायेगी। शपथ पत्रों में कर्मकारों ने यह प्रकट किया है कि बैंक ने तो नियुक्ति पत्र को दिये थे और न ही सेवा स्थिति का कोई आदेश अथवा नोटिस दिया था तथा उन्हें हटाने समय लास्ट कम फस्ट आउट के सिद्धान्त की पालना नहीं की गई थी।

11. अधिनिर्धारण का महत्वपूर्ण प्रश्न यह है कि क्या किसी कर्मकार द्वारा अधिनियम की धारा 25(ख) के अंतर्गत एक वर्ष की अवधि में 240 दिन से कम अवधि कार्य करने पर वह उसे अधिनियम की धारा 25 (ज) में पुनः नियोजन का अधिकार हो जाता है। हमारे विचार में धारा -25(ज) का लाभ उन्हीं कर्मकारों को मिल सकता है जिन्होंने धारा 25 (ख) के अंतर्गत एक वर्ष में 240 दिन की सेवा अवधि पूरी करली हो तथा उन्हें धारा 25 (च) की शर्तों को पूरा करने हुए सेवा पृथक किया गया हो अर्थात् धारा 25(ज) का लाभ उन्हीं स्थिति में मिल सकता है जबकि छंटनी धारा 25 (च) के प्रावधानों के अनुसार की गई हो। यह स्पष्ट है कि अधिनियम की धारा-2 (ड) में छंटनी किसी भी प्रकार की सेवा के पर्यवसान से से बन जाती है। किन्तु यह स्वीकार नहीं किया जा सकता है कि धारा 25 (ज) में भी "छंटनी" शब्द का यही प्राणय है। यदि हम धारा 25(ड) में "छंटनी" शब्द का वही सामान्य अर्थ समझें तो इससे स्थिति भ्रम पूर्ण बन जायेगी।

17. उपाकरण के लिए किसी कर्मकार को उससे विश्वास उठ जाने के कारण सेवा से पृथक किया गया है और यदि नियोजक की धारा

25(अ) के प्रावधानों की ध्यान में रखते हुए यह कहा जाये कि रिक्त स्थान पर उस व्यक्ति का पुनः नियोजन किया जाय तो पूर्व में की गई छटनी का कोई अर्थ ही नहीं रह जायेगा।

13. यह विवाद का विषय नहीं है कि बैंक कमीशन द्वारा प्रति-योगी परीक्षा आयोजित कर निपिक गण की नियुक्ति की जाती है यह कहा जाये कि किसी भी व्यक्ति द्वारा कुछ समय बैंक में सेवा कर लेने में उसे पुनः नियोजन का अधिकार प्राप्त है तो प्रतियोगी परीक्षा से होने वाली नियुक्ति का कोई अर्थ नहीं रह जायेगा। उस स्थिति में जो प्राथमिकी अधिक उपयुक्त है एवं जिन्हें जिन्हें नियुक्ति मिलनी चाहिए वह नियुक्ति से वंचित रह जायेंगे। बैंक के अध्यापक नियुक्ति के प्रावधान कुछ समय के लिए रिक्त होने वाले पदों के लिए हैं, एवं स्थायी कर्मचारियों के अवकाश आदि पर जाने के कारण तथा कार्य बढ़ जाने के कारण कुछ समय तक जो कि 89 दिन से अधिक नहीं हो अध्यापक रूप से कर्मचारियों की नियुक्ति की व्यवस्था है। नियुक्ति पत्र प्रदर्शक डबल्यु-5 में इसी प्रकार की गति लिखी हुई है ऐसी नियुक्ति के अवसर पर कर्मकार को धारा 25 (ज) के अंतर्गत पुनः नियोजन का लाभ दिया जाना विधिवत नहीं हो सकता है।

14. कानपुर औद्योगिक न्यायाधिकरण के अधिनियम में इस निष्कर्ष पर पहुंचने के कोई कारण प्रकट नहीं किये गये हैं कि धारा 25(ब) का लाभ प्राप्त करने के लिए यह आवश्यक नहीं है कि उस कर्मकार की छटनी 240 दिन की सेवा पूरी कर लेने के पश्चात् की गई थी। अधिनियम की धारा 25 (एच) की व्याख्या का एक मामला माननीय न्याया उच्च न्यायालय के समक्ष प्रस्तुत हुआ था :—

पी. मेनीकम

बगम

बीफ जनरल मैनेजर, स्टेट बैंक आफ इण्डिया

1990 (ii) एल. एल. एन. —351..... (4) में यह स्पष्ट शब्दों में कहा गया है कि 240 दिन की सेवा अवधि पूरी हुए बिना किसी कर्मकार का मामला धारा 25 (ब) में नहीं आता है एवं उस छटनी किये गये कर्मकार का मामला धारा 25 (ज) में भी नहीं आ सकता है। स्पष्टीकरण के इस निर्णय से यह निश्चित हो जाता है कि धारा 25 (अ) कोई आत्मनिर्भर प्रावधान नहीं है एवं इसका लाभ उसी स्थिति में मिल सकता है जबकि छटनी धारा (ब) के अनुसार हुई हो।

15. इस सम्बन्ध में औद्योगिक विवाद (केन्द्रीय) नियम 1957 के नियम 76 एवं 78 के प्रावधान भी उल्लेखनीय हैं। नियम 76 में यह कहा गया है कि जिस कर्मकार ने 240 दिन की सेवा अवधि पूरी कर ली हो एवं उसकी छटनी की जानी हो तो नियोजक द्वारा केन्द्र सरकार को नोटिस देना होगा। नियम 75 में यह कहा गया है कि छटनी किये गए कर्मकार को रिक्त स्थान को भरने में पूर्व कार्य पर पुनः जाने का नोटिस दिया जाएगा। यह ध्यान देने योग्य है कि नियम 76 में "कर्मकार" से आशय उस व्यक्ति से है जिसने कि 240 दिन की सेवा अवधि पूरी कर ली हो एवं नियम 78 में कर्मकार की वही परिभाषा रखी गई है जो बात नियम 76 में कोष्ठक में लिखे शब्दों में स्पष्ट होती है। अतः यही कहा जा सकता है कि धारा 25 (ब) का लाभ उसी स्थिति में मिल सकता है जबकि किसी कर्मकार ने एक वर्ष में 240 दिन की सेवा पूरी कर ली हो एवं छटनी कर दी गई थी।

16. इन कर्मचारियों को सेवा से हटाने के पूर्व 19 दिन का नोटिस नहीं दिया गया था यह विवाद का विषय नहीं है। शास्त्री अवार्ड के अनुसार 19 दिन का नोटिस देना आवश्यक था, किन्तु इस आधार पर

इस विवाद का अधिनिर्णय कर्मचारियों के पक्ष में नहीं दिया जा सकता है। माननीय गुजरात उच्च न्यायालय ने—

स्टेट बैंक आफ इण्डिया

बनाम

एम. बी. रावेल

(1981) एस. एल. भार. 831..... (5) में यह सिद्धान्त प्रतिपादित किया है कि शास्त्री अवार्ड में नोटिस का प्रावधान आज्ञापक प्रकार का नहीं है एवं इसमें सेवा पर्यवसान अवधि नहीं हो जाती है। अतः बिना नोटिस दिये इन कर्मचारियों को सेवा से हटाने का आदेश दोषपूर्ण होता नहीं पाया जा सकता है।

17. केम विवरण में शास्त्री अवार्ड के पद म. 493, 495, 507, 516, एच 524 का भी उल्लेख है। ये प्रावधान इन कर्मचारियों के सम्बन्ध में लागू नहीं होते हैं। इन प्रावधानों के कथित उल्लंघन के कारण पर्यवसान आदेश का दोषपूर्ण होता नहीं पाया जा सकता है।

18. उपरोक्त विवेचन का सार यह है कि विपक्षी भारियन्टल बैंक आफ कायर्स के प्रबंधकों द्वारा इन कर्मचारियों को सेवा से हटाने एवं अधिनियम की धारा 25 (ज) (घ) में पुनः नियुक्ति नहीं करना अवैध नहीं था। अतः इस विवाद में यह अधिनिर्णय पारित किया जाता है कि :—

मै० भारियन्टल बैंक आफ कामर्स के प्रबंध संज श्री शम्भूदयाल गुप्ता, हेतराम व्यास, रतन कुमार भारीक, अशोक कुमार तिवारी, सुभाष चन्द्र स्वामी, अशोक कुमारी सीनी, जयचन्द्र डैनीवाल, मोहन लाल खतोतिया, राजेश कुमार, कोषिक, गिरधारी लाल शर्मा, मुंशी खाँ रबीन्द्र कुमार शर्मा, नन्दलाल पुरोहित और जय शंकर प्रसाद की सेवाओं समाप्त करने और नई नियुक्तियाँ करते समय औद्योगिक विवाद अधिनियम की धारा 25-ज के अधीन पुनः नियुक्ति के लिए उन पर विचार न करने की कार्यवाही आयोजित है तथापि कर्मचारियों को हटाने से पूर्व 14 दिन का नोटिस दिया जाना चाहिए था जैसा कि शास्त्री अवार्ड में उल्लेखित है। अतः यह उचित है कि प्रत्येक कर्मकार को विपक्षी बैंक से 14 दिन के वेतन की राशि दिलाई जाये। इस राशि का बैंक तीन माह में भुगतान आवश्यक हूँ से करेगा।

19. उक्त आशय का अधिनिर्णय पारित किया जाता है, जिसे वास्ते प्रकाशन केन्द्र सरकार को अंतर्गत धारा 17 (1) अधिनियम भेजा जाये।

गोपाल लाल गुप्ता, न्यायाधीश

[स. एल. 12011/6/ 87-डी-II (ए)]

का. भा. 1395:—औद्योगिक विवाद अधिनियम, 1947 (1947) का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कार्पोरेशन के प्रबंधकों से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पचाट को प्रकाशित करती है।

S.O. 1395.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in the industrial dispute between the employers, in relation to the management of Corporation Bank and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated, 1st April, 1991

I Party

Sri N. Madhava,
Door No. C. H. 29,
New Model House,
7th Cross, Ashokpuram,
Mysore.

Vs.

II Party

The Chairman Cum Managing,
Director, Corporation Bank,
Head Office,
Mangalore-575001.

APPEARANCES :

For the I party.—Shri K. Subba Rao Advocate.

For the II party.—Shri V. H. Upadhyaya Advocate.

AWARD

This reference has been made by the Hon'ble Central Government by exercising its powers under Section 10(1) (d) and (2-A) of the I.D. Act, 1947.

2. The point for adjudication as per schedule is :—

"Whether the action of the management of corporation Bank is dismissing from service Shri N. Madhava is justified ? If not, to what relief is the workman entitled ?"

3. The order of reference No. is : L-12012/98/89-D.II(A) dated 24th November 1989.

4. The I party has engaged an advocate. The Advocate for the first party has filed power on 4-5-1990. Today it is 1-4-1991.

5. From 14-5-1990 till today, about an year the first party has not filed the claim statement.

6. It is obvious that the first party is not interested. The order sheet shows that the first party was not present before the Tribunal at any time.

7. From what is stated above, to repeat, it is obvious that the first party is not interested in prosecuting this case. Hence award is passed rejecting the reference.

M. B. VISHWANATHI, Presiding Officer

[No. L-12012/98/89-D. II (A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 24 अप्रैल, 1991

का. घा 1396 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत में इण्डियन आयरन एंड स्टील क. लि. के प्रबंधन के विरुद्ध द्वारा वायर एक प्रार्थना पत्र के संबंध में केन्द्रीय सरकार औद्योगिक अधिकरण न. 1 धनबाद के पंचाट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 23-4-91 प्राप्त हुआ।

New Delhi, the 24th April, 1991

S.O. 1396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Indian Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on 23-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the

I. D. Act, 1947

Reference No. 137 of 1988

PARTIES :

Employers in relation to the management of M/s. Indian Iron and Steel Company Ltd. and their workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

On behalf of the workmen : Shri J. P. Singh, Advocate.

On behalf of the employers, Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhaband, the 18th April, 1991

AWARD

The present reference arises out of Order No. L-20011/3/88-D.IV(A), dated, the 31st October, 1988 passed by the Central Government in respect of the Industrial Dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said schedule runs as follows :—

SCHEDULE

"Whether the management is justified.

(a) in paying Category-I wages to the 36 workmen given in Annexure ; and

(b) in paying Category-II and III wages to the 17 workmen given in Annexure ?

If not, to what relief the concerned workmen are entitled ?"

ANNEXURE TO (a)

1. Shri Jumman Khan.
2. Shri R. K. Choudhury.
3. Shri Kayauamuddin.
4. Shri Titath Mahato.
5. Shri Muma Tiwari.
6. Shri Md. Iffaque Khan.
7. Shri D. P. Mondal.
8. Shri Madan Mahato.
9. Shri Manu Mahato.
10. Shri Rakhahari Mahato.
11. Shri Bhim Mahato.
12. Shri Aditya Kumar Jha.
13. Shri Kishori Upadhyay.
14. Shri Ashok Mandal.
15. Shri Girish Singh.
16. Shri Uday Pd. Singh.
17. Shri Bhola Jha.
18. Shri Adiya Pal.
19. Shri Sankar Mehra.
20. Shri Dwijan Ray.
21. Shri Deba Jana.
22. Shri Abho Pradhan.
23. Shri Ganga Patra.
24. Shri Rameshwar Mahato.
25. Shri Ruplal Gorai.
26. Shri Juman Ali.
27. Shri Ram Prabhesh Yadav.
28. Shri Charan Singh.

29. Shri Md. Rahim.
30. Shri Damru Jana.
31. Shri Bhaginat Gota.
32. Shri Ram Abodh Gope.
33. Shri Manumali Jana.
34. Shri Ramjit Singh.
35. Shri R. K. Pandey.
36. Shri Md. Mallick.

ANNEXURE TO (b)

1. Shri Hansa Mandal.
2. Shri Jagdish Puitandi.
3. Shri Nakat Malli.
4. Shri Aswani Jha.
5. Shri Thomas Kully.
6. Shri Shibu Pd. Mondal.
7. Shri Sind Singh.
8. Shri Satyendra Pandey.
9. Shri Hirdya Ram.
10. Shri Triloki Ram.
11. Shri Md. Aslam.
12. Shri Samuddin Khan.
13. Shri Talak Monual.
14. Shri Birju Hari.
15. Shri Gora Chamat.
16. Shri Hublal Singh.
17. Shri R. N. Singh.

2. The order of reference of the present industrial dispute was received in the office of the Tribunal on 4-12-88. The Branch Secretary, R.C.M.S. Chasnalla Branch, Chasnalla, District Dhanbad raised the present industrial dispute. Shri J. P. Singh, Advocate appeared for the sponsoring union on the authority given by Shri Santosh Mahato, Branch Secretary of the sponsoring union and submitted Written Statement on behalf of the workmen concerned. The management did not appear and this Tribunal was constrained to direct the management to show cause as to why the case would not be disposed off ex parte according to law. In response to the notice the management appeared and prayed for time for filing Written Statement. Ultimately Shri R. S. Murthy, Advocate appeared for the management and submitted Written Statement-cum-rejoinder, on 5-7-89.

3. The case of the management as disclosed, in its Written Statement is as follows :—

The present reference is not maintainable and the sponsoring union claiming to be affiliated to INTUC is nothing but a parallel union and it has no locus standi to raise the present industrial dispute. Shri Santosh Mahato served a strike notice on 29-8-87 in respect of workers working in coal preparation plant at Chasnalla over 11 point charter of demands with the sole purpose and motive to form a parallel RCMS at coal preparation plant. Since the parallel union had no following, the so-called strike ultimately proved to be a flop. The charter of demands included, amongst others, was for regularisation of more than 25 Cat. I workmen as helpers on the ground that they had been working as helpers allegedly for the last 7 years but no list of workmen was submitted by the union. It was also alleged that the management was in the habit of taking higher categories of work from workmen working in lower categories which must cease. Subsequently the union submitted a list of 26 workmen who alleged were working as helpers although placed in Cat. I and a list of 3 workmen in Cat. I who had been working as Drivers. The union also submitted a list of 18 category II and III workmen who purported to have been working as Fitter/Operator and Turner/Machinist for 3 years. The emphatic stand of the management is that any Cat. I worker, much less the Cat. I worker referred to in Para (A) of the annexure to the reference order are working in any higher post or for any period whatsoever. None of them has worked as Helper or Driver in any other higher category than Cat. I. All along they have been performing the job of Cat. I workers in which they are employed. Therefore the demand of the union is baseless, misconceived and untenable. The workmen as listed in Annexure B to the reference order have been performing the jobs related to the categories in which they

are placed and none of them has been working as Fitter/Operator or Turner/Machinist in any period whatsoever. Since the 36 workmen referred to in Annexure A to the reference order are performing the jobs of Cat. I only, the management is perfectly justified in paying them wages of Cat. I only. Similarly the workmen referred to in Annexure B to the reference order have been performing the jobs of Cat. II or Cat. III, as the case may be, and therefore the management is perfectly justified in paying the wages of Category II and III as the case may be, to such workers.

4. The case of the sponsoring union as disclosed in the Written Statement submitted by it is as follows :—

The concerned workmen are engaged in the Coal Washery section of Chasnalla Colliery which is headed by the Superintendent of Washery. The Rukhtiya Colliery Mazdoor Sangh noticed the malpractices and irregularities in the affairs of the Coal Washery and had drawn the attention of the management to the conditions prevalent for the purpose of securing justice to the workmen. According to the union such malpractices were prevalent since the year 1982. The management did not pay any attention to their grievances and hence Sri Santosh Matho, Branch Secretary, R.C.M.S., Chasnalla branch by his letter dated 18-9-87 addressed to the Superintendent of Washery of Chasnalla Colliery, gave a strike notice under the provisions of I.D. Act raising 11 point charter of demands. At the intervention of the Labour Commissioner (C) a conciliation was held. The grievance of the union was that the management had been taking work of higher category from the workmen placed in lower category. For instance, the workmen mentioned in Annexure A are all working as helpers in Cat. II but they are being paid wages of Cat. I and the workmen mentioned in Annexure B are working in Cat. IV and V but they are paid the wages of Cat. II and III. During the conciliation proceeding the management flatly denied having taken work of higher category either of these two groups mentioned in the Annexures. The conciliation officer held that the management was concealing the truth and was not agreeable to an amicable settlement of the dispute. He submitted a failure report to the appropriate Government and the appropriate Government has been pleased to refer the dispute for adjudication by this Tribunal. The management has been taking work of higher category from the workmen placed in lower category and paying them less wages. For instance, Md. Mallick, a workman whose name appears in Sl. No. 36 of Annexure A was appointed to the post of vehicle driver with effect from 1-2-86 and the training period was for one year. After the training period was over he should have been placed in Category V as a driver, but he has continued in Cat. I although working in Cat. V. Similarly Hansa Mandal whose name appears in Sl. No. 1 of Annexure B to the reference order was selected as B Class Apprentice by letter dated 18-2-74. He has been performing the duties of Cat. V but is being paid wages of Cat. III. Similarly circumstances are obtaining in respect of other workmen which will be proved by evidence before the Tribunal.

5. In rejoinder to the W.S. of the sponsoring union the management has denied each and every allegations and asserted that none of the workmen listed in the reference order has been working in higher category and are being paid wages of category in which they are placed.

6. The union submitted two items of documents and the case was fixed for hearing on 20-10-89. On the date fixed, on the verbal prayer of both the parties the case was adjourned to 7-11-89. The case was adjourned on the date fixed on the verbal prayer of the Advocate for the management. Thereafter several adjournments were given on the verbal prayers of the parties arrayed. Ultimately on 2-4-91 Shri J. P. Singh, Advocate for the sponsoring union has submitted before me that he did not want to pursue the present dispute.

7. It appears that the sponsoring union submitted two items of documents—a photo copy of letter of appointment of Shri Md. Mallick dated 30-1-81 selecting him for the Vehicle Driver Trainee for Coal Preparation Plant on his existing basic pay and scale of pay/category. The letter further discloses that his case shall be considered for the post of Driver in Cat. V provided his performance and conduct was found satisfactory as well as trade test after completion of training and that he should be on training for one year commencing

from 1-2-86. The other item of document—the letter of appointment issued in favour of Hansa Mandal on 18-2-74 selecting him as 'B' Class Apprentice at Chasnalla/Jitpur Colliery envisages training period for 2 to 3 years under Mines Training Scheme in any designated trade offered to him and that during the period of training he would be paid a stipend of Rs. 75 P.M. in the grade of Rs. 75-10-85-15-100. These two letters do not by themselves indicate that the workmen concerned have been working in any post of higher category than they are actually placed and paid for.

8. Upon consideration of the materials on record I am not prepared to hold that the management has been taking works of higher category although they are placed in lower category from the concerned workmen. So they are not entitled to be placed in higher category. Hence the management is justified in paying wages of Cat. I to the workmen whose names are listed in Annexure A and Cat. II and III wages to the workmen whose names are listed in Annexure-B to the schedule of reference. Accordingly the following Award is rendered :—

"The action of the management in paying Cat. I wages to the 36 workmen listed in the Annexure A and Cat. II and III wages listed in Annexure B to the schedule of the order of reference is justified. Consequently the concerned workmen are not entitled to get any relief in the present reference."

In the circumstances of the case, I Award no costs.

S. K. MITRA, Presiding Officer

[No. L-20011/3/88-D.IV(A)]

का, मा 1397 —औद्योगिक विवाद समितियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33 के अंतर्गत कालटा आयरन माईन्स ओफ राऊर-केला स्टील प्लांट के प्रबन्धन के विषय में बायरेक प्रांता पक्ष के के संबंध में औद्योगिक अधिकांश, उड़ीसा भुवनेश्वर के पक्ष पर को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 23-4-91 प्राप्त हुआ।

S.O. 1397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Industrial Tribunal, Orissa; Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kalta Iron Mines of Rourkela Steel Plant and their workmen, which was received by the Central Government on 23-4-91.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

Industrial Dispute case No. 35 of 1990 (Central)
Dated, Bhubaneswar, the 15th April, 1991

BETWEEN

The Management of Kalta Iron Mines of Rourkela Steel Plant, Rourkela. . . First Party-Management.

AND

Their workmen, represented through the North Orissa Workers' Union. . . Second Party-Workmen.

APPEARANCES :

Sri N. C. Ghose, Manager (Personnel)—For the First-Party-Management.

Sri B. S. Pati, General Secretary, North Orissa Workers' Union. —For the Second Party-workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication, vide their Order No. L-26011/9/90-IR (Misc.) dated 27th August, 1990 :—

"Whether the action of the Management of Rourkela Steel Plant (Steel Authority of India Ltd.) in not granting the H.R.A. to the employees working in the prospective Division of Rourkela Steel Plant w.e.f. 1-8-75 onwards is justified? If not, to what relief the workmen concerned are entitled?"

2. This case was posted to to-day for recording settlement. The Memorandum of settlement filed by both parties on 31-12-90 and the petition seeking disposal of the reference on settlement are put-up. The representatives of both the parties submitted that they have settled the dispute out of Court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the settlement. Both the parties admitted the terms of the settlement before me. The settlement seems to be fair. Hence, I pass this Award in terms of the settlement. The Memorandum of settlement do form part of the Award.

Transcribed to my dictation and corrected by me.

Dt. 15-4-91.

SHRI RATNAKAR DASH, Presiding Officer

[No. L-26011/9/90-IR(Misc.)]

S. S. PARASHER, Under Secy.

FORM-'H'

MEMORANDUM OF SETTLEMENT DATED 19-12-90 BETWEEN THE MANAGEMENT OF SAIL, ROURKELA STEEL PLANT, ROURKELA AND THE NORTH ORISSA WORKERS UNION P.O. ROURKELA-12 ARRIVED AT IN COURSE OF DISCUSSION ON THE DEMAND OF NON-PAYMENT OF HOUSE RENT ALLOWANCE TO THE WORKERS WORKING IN THE PROSPECTING DIVISION OF OMQ DEPARTMENT. FOR THE PERIOD FROM 01-08-75

Representing Management. Representing Workmen.
S/Shri.

1. G. S. Khuntia, DGM (M&Q)
2. B. P. Patnaik, Dy. CPM.
3. N. C. Ghosh, Manager (PL) OMQ.

S/Shri.

1. B. S. Pati, General Secretary
North Orissa Workers Union
2. Pius Haldi, Ex. Committee Member,
North Orissa Workers Union.

SHORT RECITAL OF THE CASE

The General Secretary, North Orissa Workers' Union, P.O. Rourkela-12, Dist. Sundergarh, Orissa raised an Industrial Dispute vide his letter no. OMQ/PP/2(2)/88/363 dtd. 8-11-89 demanding payment of House Rent Allowance to the workers of the Prospecting Division of OMQ Department w.e.f. 1-8-75. The dispute was admitted for conciliations by the Regional Labour Commissioner (Central) Bhubaneswar and after failure of the dispute at Conciliation, Ministry of Labour, Govt. of India, referred the dispute for Adjudication to the Industrial Tribunal (Central), Bhubaneswar. The dispute was registered as I.D. Case No. 35/90(C). During the pendency of the dispute before the Hon'ble In-

Industrial Tribunal (Central) parties to the dispute held further discussion on the issue mutually and after protracted discussion agreed to resolve the dispute on the following terms :

TERMS OF SETTLEMENT

1. House Rent Allowance will be paid to all the eligible employees of Prospecting Division worked at different camps comprising for the period from 1-8-1975 to 31-12-88 @Rs. 26.78 (Rupees twenty-six and paise seventy-eight only) per month on the terms as mentioned below :

- (a) No House Rent allowance will be admissible for the period for such of the employees who have availed accommodation at different camps/sites as per annexure.
- (b) For 27 (twenty-seven) employees who have already been paid HRA from 1-8-75 to 31-8-85 in terms of the Labour Court's Award dated 31-10-87 as per annexure, payment of HRA would be limited to the period from 1-9-85 to 31-12-88 at the rate mentioned at Clause (I) above.
- (c) HRA will be paid to all the eligible employees at the actual eligible rate as per NIOS Agreement of 1989 with effect from 1-1-89 depending upon their basic pay and other eligible conditions.
- (d) In case where both husband and wife are employed either in Prospecting Division or in the Mines/Headquarters, one of the spouses would be entitled to get HRA. For this purpose all the employees of Prospecting Division have to give an undertaking in the prescribed proforma as per rules of the Company.
- (e) Cases of employees who have been separated due to retirement, Voluntary Retirement, Resignation, removal and expired etc. will be examined on individual case basis on the above terms provided such cases are brought to the notice of the Management within a period of 90 days (Ninety) from the date of signing of the Settlement.

2. The Union/workmen have agreed not raise any dispute nor make any claim/demand in future on account of HRA for the Prospecting Division employees for the period of settlement and this settlement fully and finally settles the dispute of HRA to the employees of Prospecting Division.

3. Both the Management and the union will file an application jointly before the Hon'ble Industrial Tribunal (Central), Bhubaneswar praying for passing Award in terms of the settlement.

4. The terms of the settlement will be implemented within a period of 90 (Ninety) days from the date of publication of the Award.

SIGNATURE OF THE PARTIES

S/Shri.

1. G. S. Khuntia
2. B. Patnaik.
3. N. C. Ghosh.

S/Shri.

1. B. S. Pati.
2. Pius Haldi.

Witnesses.

1. (N. N. Purohit)
Dy. C.P.M. RSP
2. (A. MISRA)
Dy Mgr. (PL) RSP.

Witnesses

1. Bhibisan Neik
Prospecting Division, SAIL.
ATPO Kalde Sindergash.
2. Paulees Oriya,
Prospecting Division, SAIL
AJ/P.O. Kalfa.
Distt. Sundergarh.

ANNEXURE—1

LIST OF PERSONS OF PROSPECTING DIVISION (OMQ) ENTITLED FOR HOUSE RENT ALLOWANCE (FROM 1-8-1975 TO 31-12-1988)

Sl. No.	Name	Pl. No.	Period for HRA payment	No. of months	Rate of HRA per month	Amount to be paid Rs.	Remarks
1	2	3	4	5	6	7	8
S/Shri							
1.	G.C. Behera	20532	4-4-81 — 5-3-83	24	Rs. 3240	642.72	
					121		
2.	I.B. Maity	21834	11-5-77 — 31-5-80	37	Rs. 26.78	990.85	
3.	N. Parihari	22115	16-6-76 — 3-6-77	13		348.14	
4.	N.K. Acharya	29130	1-9-77 — 16-1-78	5		133.90	
5.	K.N. Moharana	35141	1-8-75 — 31-5-84	106		2838.68	
6.	Giri Mundari	35359	8-3-83 — 31-12-88	70		1874.60	
7.	D.K. Samad	38046	1-8-75 — 11-11-75	4		107.12	
8.	A.C. Naik	38155	4-9-86 — 31-12-88	28		749.84	
9.	K.P. Choudhury	38299	2-11-76 — 17-6-79	32		856.98	
10.	N.C. Saha	39134	1-8-75 — 4-5-77	22		589.16	

1.	2	3	4	5	6	7	8
S/Shri							
11. Tiwari Purty	39219	1-8-75 — 8-12-90 } 12-11-84 — 31-7-85 }	74	1981.72			
12. Smt. Jorango Surin	39275	1-8-75 — 26-12-78	41	1097.98			
13. R.K. Panigrahi	39377	1-7-77 — 21-4-78	10	267.80			
14. P.K. Parnaik	39378	15-7-77 — 14-5-79	23	615.94			
15. Basu Mahakud	39391	1-8-75 — 31-12-88	161	4311.58			
16. Bhalu Barik	39392	1-8-75 — 7-9-78 } 12-4-77 — 6-4-79 } 17-3-81 — 28-2-82 } 2-4-82 — 22-9-84 } 4-12-84 — 6-2-85 }	84	2249.52			
17. Amin Mahakud	39395	1-8-75 — 20-2-78 } 4-3-78 — 11-7-82 }	84	2249.52			
18. Manglu Naik	39396	1-8-75 — 21-7-84 } 27-9-84 — 26-6-85 } 27-7-85 — 21-9-86 } 1-1-87 — 31-12-88 }	157	4204.46			
19. Charan Naik	39399	1-8-75 — 20-2-78 } 7-8-78 — 23-11-83 } 6-12-83 — 31-12-88 }	156	4177.68			
20. Roya Naik	39400	1-8-75 — 31-12-88	161	4311.58			
21. Rajo Naik	39401	1-8-75 — 31-10-77 } 6-1-78 — 31-12-88 }	159	4258.02			
22. K.C. Dehuri	862355	1-8-75 — 31-12-88	161	4311.58			
23. Smt. Gulapo Naik	39403	1-8-75 — 18-10-83 } 6-12-83 — 31-12-88 }	160	4284.80			
24. Smt. Malan Naik	39404	1-8-75 — 20-10-83 } 2-11-83 — 5-4-84 } 1-6-84 — 25-6-85 } 27-7-85 — 31-12-88 }	160	4284.80			
25. Smt. Tulsi Naik	39405	1-8-75 — 20-10-83 } 2-12-83 — 5-4-84 } 1-6-84 — 25-6-85 } 27-7-85 — 31-12-88 }	159	4258.02			
26. Shyamaghana Munda	39407	1-8-75 — 31-10-77 } 6-1-78 — 21-7-85 }	118	3160.04			
27. Podu Munda	39408	1-8-75 — 20-2-78 } 4-3-78 — 31-12-88 }	161	4311.58			
28. Kolu Naik	39410	1-8-75 — 10-9-76 } 26-9-81 — 12-3-83 } 1-6-83 — 13-9-83 }	37	990.86			
29. Dukhu Mahakud	39411	1-8-75 — 18-5-80	58	1553.24			
30. Smt. Malati Naik	39414	1-8-75 — 18-2-83 } 6-12-83 — 3-4-84 } 4-6-84 — 25-5-85 } 27-7-85 — 31-12-88 }	150	4017.00			
31. Smt. Moli Dehuri	39416	1-8-75 — 25-12-76 } 7-8-78 — 18-10-83 } 6-12-83 — 31-12-88 }	141	3775.98			
32. Smt. Aslo Naik	39417	1-8-75 — 11-11-76 } 7-8-78 — 18-10-83 } 6-12-83 — 3-4-84 } 14-9-84 — 31-12-88 }	136	3642.08			
33. Smt. Paro Naik	39418	1-8-75 — 18-10-83 } 6-12-83 — 3-4-84 } 14-9-84 — 31-12-88 }	156	4177.68			
34. Damo Barik	39419	1-8-75 — 31-12-88	161	4311.58			
35. Sanu Barik	39422	1-8-75 — 15-4-76 } 14-3-78 — 6-7-83 }	74	1981.72			
36. Kalakar Barik	39423	1-8-75 — 12-1-76 } 9-10-78 — 31-12-88 }	129	3454.62			

1	2	3	4	5	6	7	8
S/Shri							
37. Sukhnath Naik	39425	1-8-75 — 31-11-82 } 23-2-83 — 6-9-83 } 11-8-84 — 6-11-86 } 1-1-87 — 31-12-88 }	148			3963.44	
38. Smt. Laxmi Naik	39428	1-8-75 — 31-12-88	161			4311.58	
39. Smt. Srimati Naik	39429	1-8-75 — 31-12-88	161			4311.58	
40. Smt. Endai Naik	39430	1-8-75 — 31-12-88	161			4311.58	
41. Smt. Sabitri Naik	39431	1-8-75 — 6-3-88	152			4070.56	
42. Dhiro Naik	39434	1-8-75 — 28-2-77 } 5-9-77 — 6-4-84 } 27-9-84 — 20-8-85 } 6-9-85 — 31-12-88 }	151			4043.78	
43. Jadav Naik	39435	1-8-75 — 11-2-77 } 3-9-77 — 21-9-86 } 1-1-87 — 31-12-88 }	152			4070.56	
44. Arjun Naik	39437	1-8-75 — 11-2-77 } 18-3-78 — 20-10-83 } 6-12-83 — 3-4-84 } 4-6-84 — 30-9-86 } 18-11-86 — 31-12-88 }	146			3909.88	
45. Smt. Luchna Naik	39438	1-8-75 — 25-12-76 } 6-3-78 — 31-12-88 }	147			3936.66	
46. Smt. Sombari Naik	39439	1-8-75 — 11-11-76 } 6-3-78 — 20-10-83 } 2-12-83 — 31-3-84 } 1-6-84 — 26-6-85 } 27-7-85 — 18-9-86 } 1-1-87 — 31-12-88 }	140			3749.20	
47. Smt. Kasuda Naik	39440	1-8-75 — 11-11-76 } 6-3-78 — 18-10-83 } 6-12-83 — 3-4-84 } 4-6-84 — 5-8-84 } 4-9-84 — 31-12-88 }	144			3856.32	
48. Smt. Fulmani Naik	39441	1-8-75 — 11-11-76 } 18-3-78 — 20-10-83 } 2-11-83 — 5-8-84 } 14-9-84 — 31-12-88 }	146			3909.88	
49. Indra Naik	39443	1-8-75 — 15-4-76 } 3-4-78 — 18-3-84 } 15-9-84 — 6-11-86 } 1-1-87 — 31-12-88 }	132			3534.96	
50. Dobra Munda	39444	1-8-75 — 11-2-77 } 18-3-78 — 6-3-79 } 10-5-81 — 17-2-83 } 21-4-83 — 31-7-85 }	82			2195.86	
51. Dharani Naik	39445	1-8-75 — 15-4-76 } 6-3-78 — 11-3-81 } 26-3-81 — 19-3-84 } 1-6-84 — 24-7-84 } 27-9-84 — 25-6-85 } 27-7-85 — 18-6-86 } 1-1-87 — 31-12-88 }	131			3508.18	
52. Kolu Naik	39446	1-8-75 — 10-9-76 } 3-4-78 — 31-12-88 }	143			3829.54	
53. Lalu Naik	39447	1-8-75 — 17-5-80	58			1553.24	
54. Smt. Dasoda Naik	39449	1-8-75 — 7-9-76 } 21-4-78 — 23-10-78 } 9-6-81 — 31-12-88 }	112			2999.36	
55. Johan Barla	39540	4-8-76 — 12-7-81	60			1606.80	
56. Kobi Barik	39451	1-8-75 — 7-9-76 } 19-5-80 — 11-9-83 }	55			1472.90	
57. Barju Barik	39452	1-8-75 — 15-4-76 } 3-4-78 — 31-12-88 }	138			3695.64	

1	2	3	4	5	6	7
S/Shri						
58. Sanu Naik	39453	1-8-75 — 15-4-76 } 24-6-77 — 28-4-83 }	80		2142.40	
59. Murali Naik	39454	1-8-75 — 7-9-76 } 6-3-78 — 31-12-83 } 1-1-85 — 30-9-86 }	105		28-11-90	
60. Joseph Dang	39455	1-8-75 — 11-11-76	16		428.48	
61. Anand Deogaon	39456	1-8-75 — 11-2-77 } 18-3-78 — 10-3-81 } 1-6-81 — 16-10-83 } 6-12-83 — 5-1-87 }	123		3293.94	
62. Hori Lohar	39459	1-8-75 — 21-7-85 } 7-2-88 — 31-12-88 }	155		4150.90	
63. Kantho Kahakud	39461	1-8-75 — 6-12-82	89		2383.42	
64. Kristo Dangwar	39462	1-8-75 — 31-12-81	77		2062.06	
65. Patras Barla	39464	1-8-75 — 31-12-88	161		4311.58	
66. Paulus Oreyo	39465	1-8-75 — 31-12-88	161		4311.58	
67. Ramo Ghana	39466	1-8-75 — 31-12-88	161		4311.58	
68. Bhaigo Naik	39467	1-8-75 — 17-5-80 } 14-1-84 — 31-12-88 }	118		3160.04	
69. Turi Munda	39468	1-8-75 — 24-6-85	118		3160.04	
70. Juhel Burh	39470	1-8-75 — 11-7-82 } 15-7-83 — 31-12-84 }	102		2731.56	
71. Lavo Naik	39474	1-8-75 — 11-3-83 } 1-6-82 — 21-7-85 } 7-2-86 — 31-12-88 }	153		4097.34	
72. Subnath Mahakud	39475	1-8-75 — 31-8-87	145		3883.10	
73. Sisua Apot	39477	1-8-75 — 31-12-88	161		4311.58	
74. R.C. Mahakud	39478	1-8-75 — 5-10-85	123		3293.94	
75. Basudev Naik	39479	1-8-75 — 11-7-82 } 3-12-82 — 18-7-84 } 15-9-84 — 24-5-85 }	113		3026.14	
76. Rasikan Dangwar	39480	1-8-75 — 8-2-82	79		2215.62	
77. Rajo Mahakud	39481	1-8-75 — 7-7-82 } 8-3-83 — 31-12-88 }	154		4124.12	
78. Biro Barick	39483	1-8-75 — 3-3-76 } 16-1-77 — 6-4-82 } 1-1-85 — 30-6-85 } 1-9-87 — 31-12-88 }	94		2517.32	
79. Johan Topno	39484	1-8-75 — 13-3-81	68		1821.04	
80. Simon Munda	39486	1-8-75 — 28-7-82	84		2249.52	
81. Gouranga Mahato	39488	1-8-75 — 3-3-76 } 7-8-78 — 21-7-84 } 27-9-84 — 21-11-86 } 1-1-87 — 31-12-88 }	131		3508.18	
82. Smt. Magdali Munda	39491	1-8-75 — 31-12-88	161		4311.58	
83. Smt. Sani Munda	39494	1-8-75 — 31-12-88	161		4311.58	
84. Smt. Sombari Munda	39495	1-8-75 — 31-12-88	161		4311.58	
85. Soma Munda	39498	1-8-75 — 11-7-82 } 8-11-83 — 23-8-86 }	118		3160.04	
86. Pandu Bodra	39500	1-8-75 — 28-7-82 } 24-11-83 — 31-12-88 }	146		3909.88	
87. Sukram Dang	39502	1-8-75 — 6-4-82	81		2169.18	
88. Mansukh Lugun	39503	1-8-75 — 31-12-88	161		4311.58	
89. Aljub Dang	39504	1-8-75 — 14-1-84	102		2731.56	
90. Pathani Naik	39506	1-8-75 — 8-2-82 } 26-1-84 — 31-12-88 }	138		3695.64	
91. Dharmudhar Naik	39507	1-8-75 — 18-1-83 } 20-4-84 — 18-7-84 } 18-9-84 — 30-9-86 }	119		3186.82	
92. Dharam Singh	39508	1-8-75 — 11-7-82	84		2249.52	

1	2	3	4	5	6	7
S/Shri						
93. Manglu Naik	39509	1-8-75	— 31-12-88	161	4311.58	
94. Rudra Naik	39510	1-8-75 — 1-1-84 —	16-1-83 } 12-10-85 }	112	2999.36	
95. Anukaran Munda	39511	1-8-75	— 6-4-82	81	2169.18	
96. Birsā Badi	39512	1-8-75	— 8-2-82	79	2115.62	
97. Marsalan Markey	39514	1-8-75	— 30-11-87	148	3963.44	
98. Premchand Guria	39515	1-8-75	— 11-12-79	53	1419.34	
99. Patras Baba	39516	1-8-75	— 31-5-85	118	3160.04	
100. Dugan Mandulna	39517	1-8-75	— 11-7-82	84	2249.52	
101. Gayadhar Naik	39518	1-8-75	— 28-7-82	84	2249.52	
102. Duga Bodra	39520	1-8-75	— 31-12-88	161	4311.58	
103. Hori Naik	39522	1-8-75 — 23-6-83 — 17-5-84 —	11-7-82 } 6-7-83 } 31-12-88 }	142	3802.76	
104. Sukram Munda	39523	1-8-75 — 10-2-83 — 1-6-83 —	11-7-82 } 19-3-83 } 2-8-85 }	113	3026.14	
105. Joseph Topno	39524	1-8-75 — 26-1-84 —	8-2-82 } 31-8-85 }	99	2651.22	
106. Smt. Bertha Surin	39525	1-8-75	— 31-12-88	101	4311.58	
107. Melo Bhengra	39526	1-8-75 — 8-5-81 —	10-3-81 } 8-5-83 }	92	2463.76	
108. Etwa Munda	39530	1-8-75	— 31-12-78	41	1097.98	
109. Alvis Purty	39531	1-8-75	— 31-12-78	41	1097.98	
110. Kumud Mahakud	39534	1-8-75 — 24-11-83 — 4-8-84 — 7-2-86 —	18-10-83 } 5-6-84 } 21-7-85 } 31-12-88 }	154	4124.12	
111. Birsā Guria	39537	1-8-75	— 31-12-78	41	1097.98	
112. Dobra Munda	39538	1-8-75 — 10-5-81 — 21-4-83 —	10-3-81 } 17-2-83 } 3-6-87 }	141	3775.98	
113. Siba Munda	39540	1-8-75	— 31-12-78	41	1097.98	
114. Abraham Soy	39546	1-8-75 — 1-1-87 —	14-11-86 } 31-12-88 }	160	4284.80	
115. Tipru Munda	39548	15-9-75	— 17-8-77	24	642.72	
116. Peyara Jojo	39549	15-4-76	— 13-5-77	14	374.92	
117. Nikodin Munda	39550	15-4-76	— 19-5-77	14	374.92	
118. Dayal Guria	39570	1-8-75	— 15-3-78	37	990.86	
119. Johan Munda	39576	1-8-75	— 33-4-78	33	883.74	
120. Junas Surin	39578	1-8-75	— 5-3-79	44	1178.32	
121. Patras Samad	39579	1-8-75	— 30-6-79	47	1258.66	
122. Johan Burh	39580	1-8-75 — 7-7-80 —	24-7-78 } 18-3-83 }	69	1847.82	
123. K.D. Baria	39583	1-8-75	— 30-4-78	33	883.74	
124. Nimia Dhanwar	39584	1-8-75	— 30-4-78	33	883.74	
125. Vincent Lugun	39586	1-8-75	— 31-5-84	106	2838.68	
126. Junas Munda	39587	1-8-75	— 31-5-80	58	1553.24	
127. Junuel Purty	39588	1-8-75	— 3-7-79	48	1285.44	
128. Yarmiah Burh	39589	1-8-75	— 31-12-88	161	4311.58	
129. Raghu Naik	39593	1-8-75 — 4-9-78 —	10-9-76 } 2-3-88 }	129	3454.62	
130. Smt. Salmi Munda	39599	1-8-75	— 31-12-88	161	4311.58	
131. Smt. Budhai Lugun	39605	1-8-75	— 30-4-78	33	883.74	
132. Churia Bhengra	39606	1-8-75	— 30-4-78	33	883.74	
133. Smt. Aten Munda	39645	1-8-75	— 31-12-88	161	4311.58	
134. Smt. Sukhmani Munda	39646	1-8-75	— 31-12-88	161	4311.58	

1	2	3	4	5	6	7
S/Shri						
135. Samuel Orey	39648	1-8-75 — 28-11-82	28-7-82 — 27-1-85	111	2972.58	
136. Smt. Baso Naik	39650	1-8-75 —	29-2-88	151	4043.78	
137. Ramu Naik	39651	17-10-82 — 1-1-87	6-11-86 — 31-12-88	74	1981.72	
138. Martin Topno	39653	21-1-84 —	31-7-85	19	508.82	
139. Jadu Naik	39654	1-8-75 —	31-12-88	161	4311.58	
140. Narahari Naik	39716	1-8-75 —	31-12-88	161	4311.58	
141. Suleman Munda	40554	1-8-75 —	8-12-80	65	1740.70	
142. Sukra Munda	40555	1-8-75 —	8-12-80	65	1740.70	
143. Birsa Toppo	40556	1-8-75 —	31-5-76	10	267.80	
144. Nuas Topno	40558	1-8-75 —	18-10-79	51	1365.78	
145. Liji Munda	40559	1-8-75 —	22-10-79	51	1365.78	
146. Ganeswar Naik	40560	1-8-75 —	11-7-82	84	2249.52	
147. Jakarias Korla	40561	1-8-75 —	9-3-80	56	1499.68	
148. Habil Hamsay	40562	1-8-75 —	7-5-81	70	1874.60	
149. Rasia	40563	7-3-79 —	31-12-88	118	3160.04	
150. Charo Ekka	40566	1-8-75 —	31-12-88	161	4311.58	
151. Samu Munda	40567	7-4-79 —	31-12-88	117	3133.26	
152. Bhurua Ram	40569	7-3-79 —	31-12-88	118	3160.04	
153. Madhu Munda	40588	1-8-75 —	6-5-77	22	589.16	
154. Etwa Horo	41125	1-8-75 —	16-3-77	20	535.60	
155. B.N. Sharma	61516	13-2-81 —	31-5-82	16	428.48	
156. Ramannj	61573	22-11-76 — 8-1-81	10-7-79 — 15-6-86	99	2651.22	
157. Harun Khan	61575	7-10-83 —	20-2-84	5	133.90	
158. Nilo Naik	851301	20-5-85 —	31-12-88	44	1178.32	
159. Harun Topno	851302	20-5-85 —	31-7-86	14	374.92	
160. Junas Munda	851303	20-5-85 — 1-9-86	30-6-86 — 3-4-88	34	910.52	
161. Jena Munda	851304	20-5-85 —	22-5-88	37	990.86	
162. Junas Munda	851305	20-5-85 —	31-12-88	44	1178.32	
163. P.S. Horo	851306	20-5-86 —	23-8-86	16	428.48	
164. Istiphan Lugun	851308	20-5-85 —	31-7-86	15	401.70	
165. Mangal Burla	851309	20-5-85 —	8-7-85	3	80.34	
166. Joseph Barla	851310	20-5-85 —	31-12-88	44	1178.32	
167. Hodo Munda	851311	20-5-85 —	31-12-88	44	1178.32	
168. Dwari Hansda	851312	20-5-85 —	30-6-87	26	696.28	
169. Amin Patra	851313	20-5-85 —	31-12-88	44	1178.32	
170. Mangla Patra	851314	20-5-85 —	31-7-88	39	1044.42	
171. S.C. Patra	851315	20-5-85 —	30-6-86	14	374.92	
172. Smt. Munika Dang	851529	1-8-75 —	31-8-85	121	3240.38	
173. Smt. Saro Naik	851544	1-8-75 — 6-12-83	18-10-83 — 31-12-88	160	4284.80	
174. Smt. Kamala Munda	851546	1-8-75 — 6-12-83	18-10-83 — 31-12-88	160	4284.80	
175. J.K. Banerjee	851550	1-8-75 —	31-3-80	56	1499.68	
176. Daso Naik	851552	1-8-75 —	31-12-88	161	4311.58	
177. Smt. Firda Munda	851556	1-8-75 —	16-1-77	18	482.04	
178. Lala Kandha	851566	1-8-75 —	6-3-79	44	1178.32	
179. Albert Kerketta	851574	1-8-75 —	21-4-76	9	241.02	
180. N. Kandulna	851588	1-8-75 —	15-11-79	52	1392.56	
181. Raghab Parida	862290	7-2-78 —	30-6-86	125	3347.50	
182. Francis Bazra	862300	1-8-75 —	30-9-86	134	3588.52	
183. Unisfar Munda	862301	1-8-75 —	31-12-88	161	4311.58	
184. Bagun Bodra	862302	1-8-75 —	31-12-88	161	4311.58	

1	2	3	4	5	6	7
S/Shri						
185. S.S. Naik		862303	1-8-75 — 31-12-88	161	4311.58	
186. Bibhisan Naik		862304	1-8-75 — 31-12-79	53	1419.34	

ANNEXURE—II

LIST OF PERSONS OF PROSPECTING DIVISION TRANSFERRED TO MINES/PLANT AND ENTITLED FOR HOUSE RENT ALLOWANCE

Sl. No. of master list	Name	Pl. No.	Period for HRA payment	No. of months	Amount to be paid Rs. P.	Remarks
1.	S/Shri S. Ahmed	38017	2-2-84 — 12-9-87	44	1178.32	QMQ.HQ—13-9-87
2.	9 LD Barik	38154	1-8-75 — 4-8-78	37	990.86	PL&DQ—31-5-88
3.	35 Pradhan Munda	39412	1-8-75 — 31-12-86	137	3668.86	Tr. to BIM on 31-12-86
4.	36 Smt. Sukhmani Naik	39413	1-8-75 — 25-12-80	156	4177.68	-do- BIM on 28-2-89
			25-3-81 — 15-8-84			
			27-9-84 — 18-9-86			
			1-1-87 — 31-12-88			
5.	38 Smt. Sukhmaro Naik	39415	1-8-75 — 18-2-83	150	4017.00	-do- BIM on 28-2-89
			6-12-83 — 3-4-84			
			4-6-84 — 25-5-85			
			27-7-85 — 31-12-88			
6.	58 B.N. Patra	39436	1-8-75 — 13-3-81	132	3534.96	-do- BIM on 31-10-86
			20-5-81 — 15-2-82			
			21-4-82 — 16-10-83			
			6-12-83 — 31-10-86			
7.	64 Smt. Madhey Munda	39442	1-8-75 — 7-9-76	143	3829.54	-do- BIM on 28-2-89
			21-4-78 — 31-12-88			
8.	80 Smt. Santi Guria	39458	1-8-75 — 11-11-75	135	3615.30	-do- KIM on 31-7-88
			18-3-78 — 21-7-85			
			7-2-86 — 31-7-88			
9.	82 Bata Krishna Naik	39460	1-8-75 — 30-9-77	26	696.28	Tr. to BIM on 1-10-77
10.	132 Narsingh Bodra	39521	1-8-75 — 31-12-78	41	1097.98	-do- KIM 1-1-79
11.	153 Subian Burh	39571	1-8-75 — 18-3-81	68	1821.04	-do- PL&DQ 2-6-88
12.	154 Smt. Diyani Burh	39573	1-8-75 — 30-9-84	110	2945.80	-do- PL&DQ 31-5-89
13.	156 Budhua Munda	39577	1-8-75 — 5-11-79	52	1392.56	-do- BIM on 6-11-79
14.	160 Dhan Kumar Munda	39581	1-8-75 — 22-8-78	37	990.86	-do- PL&DQ 30-11-79
15.	168 Smt. Hiranmani Munda	39591	1-8-75 — 15-10-88	159	4258.02	-do- PL & DQ on 15-10-88
16.	169 Smt. Maharagi Mahakud	39592	1-8-75 — 31-12-86	137	3668.86	-do- BIM 31-12-86 (AN)
17.	177 Smt. Parbati Munda	39647	9-6-76 — 7-4-79			
			21-1-84 — 3-4-84	93	2490.54	-do- BIM 28-2-89
			4-6-84 — 18-9-86			
			15-11-86 — 31-12-88			
18.	179 Smt. Ludgi Munda	39649	1-8-75 — 16-8-88	157	4204.46	-do- KIM 16-8-88 (AN)
19.	196 Daud Surin	40568	1-8-75 — 7-5-81	70	1874.60	-do- PL&DQ 8-6-85
20.	198 Chedilal	40570	7-3-79 — 9-9-83	55	4172.90	-do- PL&DQ 8-6-85
21.	199 Janam Singh Munda	40575	1-8-75 — 31-5-85	118	3160.04	-do- PL&DQ 31-5-85
22.	200 Makru Naik	40576	1-8-75 — 31-5-85	118	3160.04	-do- PL&DQ 31-5-85
23.	201 Junas Kullu	40577	1-8-75 — 21-11-76	16	428.48	Tr. to PL&DQ on 31-5-85
24.	205 Johan Horo	43309	1-8-75 — 2-4-87	21	562.38	-do- 31-5-85
25.	206 K.C. Barik	44628	1-8-75 — 16-6-84	107	2865.46	-do- 17-6-86
26.	224 B.C. Patra	851316	20-5-85 — 11-6-87	26	696.28	Plant 12-6-8
27.	227 Smt. Fulmani Munda	851528	1-9-85 — 10-8-83	36	964.08	KIM 16-8-88 (POC)

1	2	3	4	5	6	7	8
S/Shri							
28.	232	Smt. Bahalen Munda	851537	1-9-85 — 16-8-88	36	964.08	KIM 16-8-88 (AN) POC
29.	233	Smt. Namsi Munda	851539	1-9-85 — 16-8-88	36	964.08	KIM 16-8-88 (POC)
30.	242	Anandmasi Munda	851551	1-8-75 -- 30-11-86	136	3642.08	BIM on 30-11-86 AN
31.	250	Smt. Budhni Naik	851565	1-9-85 — 31-12-88	40	1071.20	BIM 28-2-89 (POC)
32.	252	Smt. Mangri Munda	851568	1-8-75 — 31-12-86	137	3668.86	BIM on 1-1-87
33.	256	Sukru Munda	851576	12-8-75 — 14-3-84 } 1-6-85 — 16-8-88 }	143	3829.54	KIM on 16-8-88
34.	259	Ved Prakash	862067	15-10-75 — 31-10-78	37	990.86	ILQ on 1-11-78
35.	268	Smt. Mariam Munda	862581	1-8-75 — 16-8-88	157	4204.46	KIM on 16-8-88
36.	269	Paramananda srivas	862874	1-2-76 — 20-11-83	94	2517.32	IDQ 21-11-83
37.	270	Anthony Munda	TPL-25	1-8-75 — 19-9-76	14	374.92	BIM on 20-9-76
38.	271	Nanda Mahakud	TPL-29	1-8-75 — 19-9-76	14	374.92	BIM 20-9-76
39.	272	Jena Munda	TPL-39	1-8-75 — 14-3-84	104	2785.12	Tr. to BIM on 15-3-84
40.	275	Faguni Munda	TPL-55	1-8-75 — 22-3-77	20	535.60	-do- ILQ on 22-3-77
41.	276	Smt. Salmi Surin	TPL-59	1-8-75 — 21-7-77	24	642.72	-do- IDQ Baraduar
42.	278	Smt. Magdali Munda	TPL-81	1-8-75 — 22-3-77	20	535.60	-do- ILQ Satna
43.	282	Smt. Chando Patra,	TPL-454	1-8-75 — 25-12-76 } 1-6-77 — 14-3-84 }	99	2651.22	-do- KIM 15-3-84
44.	284	Smt. Parbuti Naik	TPL-188	1-8-75 — 14-3-84	104	2785.12	-do- KIM 15-3-84
45.	288	Sri. Marcus Topno	TPL-245	1-8-75 -- 24-9-79	50	1339.00	-do- BIM
46.	289	Purendra Munda	TPL-253	1-8-75 — 31-1-81	66	1767.48	-do- BIM
47.	290	Kandra Naik	TPL-260	1-8-75 — 30-1-81	66	1767.48	-do- BIM 31-1-81
48.	291	Damodar Mahakud	TPL-287	1-8-75 — 29-5-77 } 24-4-78 — 31-1-81 }	56	1499.68	-do- BIM 31-1-81
49.	293	Rundu Barik	TPL-330	1-8-75 — 30-8-76	13	348.14	-do- BIM 31-8-76
50.	294	Bhulu Naik	TPL-340	1-8-75 — 30-1-81	66	1767.48	-do- BIM 31-1-81
51.	295	Roya Munda	TPL-344	1-8-75 -- 19-9-76	14	374.92	-do- BIM 20-9-76
52.	296	Augustin Munda	TPL-345	1-8-75 — 30-1-81	66	1767.48	-do- BIM 31-1-81
53.	297	Smt. Jena Munda	TPL-360	1-8-75 — 14-5-77	22	589.16	-do- IDQ on 15-5-77
54.	298	Smt. Pani Munda	TPL-365	1-8-75 — 21-4-77	21	562.38	-do- ILQ on 22-4-77
55.	302	Smt. Hema Mahakud	TPL-385	1-8-75 — 14-3-84	104	2785.12	Tr. to KIM on 15-3-84
56.	304	Smt. Randai Munda	TPL-387	1-8-75 — 22-4-77	21	562.38	-do- ILQ 22-4-77
57.	305	Saban Champia	TPL-421	1-8-75 — 26-7-77	24	642.72	-do- BIM 27-7-77
58.	306	Zahid Hussain	TPL-444	1-8-75 — 11-4-77	21	562.38	-do- 12-4-77
59.	307	Birsa Lohar	TPL-458	1-8-75 — 11-8-77	25	669.50	-do- BIM
60.	308	Matias Hembram	TPL-462	1-8-75 — 31-1-85	114	3052.92	-do- BIM
61.	309	Suban Naik	TPL-511	1-8-75 — 23-4-76	9	241.02	IMM-Barjamda 24-4-76
62.	312	D.K. Mohanty	TPL-592	1-8-75 -- 30-6-76 } 1-5-78 — 31-1-81 }	44	1178.32	Transferred to B.I.M.

ANNEXURE—III

List of deceased persons of Prospecting Division who were entitled for House Rent Allowance

Sl. No.	Sl. No. of master list	Name	Pl. No.	Period for HRA payment	No. of months	Amount Rs. P.	Remarks
1	2	3	4	5	6	7	8
1.	22	Manglu Naik	39398	1-8-75 -- 10-2-77 } 21-2-78 -- 29-11-79 }	41	1097.98	Died on 30-11-79
2.	26	Smt. Purnami Naik	39402	1-8-75 — 13-7-86	132	3534.96	Died on 14-7-86
3.	43	Sukra Munda	39420	1-8-75 -- 17-8-78	37	990.86	Died on 18-8-78
4.	44	Sukho Mahakud	39421	1-8-75 -- 14-3-82	80	2142.40	Died on 15-3-82
5.	47	Gobardhan Naik	39424	1-8-75 — 3-4-86	129	3454.62	Died on 4-4-86
6.	49	Kantho Naik	39426	1-8-75 — 16-7-77	24	642.72	Died on 17-7-77
7.	50	Budhram Munda	39427	1-8-75 — 7-5-85	118	3160.04	Died on 8-5-85
8.	93	Panchu Naik	39473	1-8-75 — 25-11-85	124	3320.72	Died on 26-11-85
9.	109	Smt. Birsi Munda	39493	1-8-75 -- 21-4-79	45	1205.10	Died on 22-4-79

1	2	3	4	5	6	7	8
10.	138	Smt. Baso Naikani	39527	1-8-75 — 3-2-88	151	4043.78	Died on 4-2-88
11.	151	Abhiram Kongari	39569	1-8-75 — 15-11-85	124	3320.72	Died on 16-11-85
12.	161	Samuel Lomga	39582	1-8-75 — 24-12-84	113	3026.14	Died on 25-12-84
13.	172	Madhu Lohar	39604	1-8-75 — 20-12-88	161	4311.58	Died on 21-12-88
14.	234	P. Bhengra	851541	1-8-75 — 4-2-77 } 16-2-78 — 4-4-88 }	142	3802.76	Died on 5-4-88
15.	254	Dasrath Naik	851572	1-8-75 — 29-2-80 } 13-10-85 — 30-9-86 }	67	1794.26	Died on 1-10-86
16.	273	Smt. Suru Munda	TPL-44	1-8-75 — 14-3-84 } 1-6-85 — 15-11-85 }	110	2945.80	Died on 16-11-85
17.	277	Smt. Mangri Munda	TPL-60	1-8-75 — 14-3-84 } 1-6-85 — 13-9-86 }	120	3213.60	Died on 14-9-86
18.	279	Smt. Mukta Barjo	TPL-96	1-8-75 — 12-12-84	113	3026.14	Died on 13-12-84
19.	283	Arjun Naik	TPL-174	1-8-75 — 24-6-77	23	615.94	Died on 25-6-77
20.	299	Smt. Chandni Naik	TPL-368	1-8-75 — 22-11-83	100	2678.00	Died on 23-11-83
21.	303	Smt. Gurubari Munda	TPL-386	1-8-75 — 5-4-83	93	2490.54	Died on 6-4-83
22.	310	Purna Naik	TPL-512	1-8-75 — 11-6-82	83	2222.74	Died on 12-6-82
23.	311	Dambarudhar Naik	TPL-546	1-8-75 — 11-10-83	99	2651.22	Died on 12-10-83

ANNEXURE—IV

List of Persons of Prospecting Division retired/voluntarily retired, entitled for House Rent Allowance

Sl. No.	Sl. No. of Master list	Name	Pl. No.	Period for HRA payment	No. of months	Amount Rs. P.	Remarks
1	2	3	4	5	6	7	8
1.	19	Kaibalya Naik	39394	1-8-75 — 20-1-78 } 7-8-78 — 31-1-88 }	154	4124.12	Voluntarily Retd. on 31-10-88
2.	32	Jogendra Naik	39409	1-8-75 — 31-12-83	101	2704.78	-do- on 31-12-88
3.	55	Smt. Raibari Munda	39432	1-8-75 — 11-11-76 } 6-3-78 — 31-12-88 }	146	3909.88	-do- on 31-3-89
4.	70	Gangadhar Naik	39448	1-8-75 — 31-5-86	130	3481.40	Retd. on 31-5-86
5.	79	Panu Pradhan	39457	1-8-75 — 11-1-176 } 7-12-78 — 6-12-82 } 10-1-85 — 31-12-88 }	113	3026.14	Voluntarily Retd. on 31-3-89
6.	92	Kumar Patra	39472	9-6-76 — 12-8-84 } 14-9-84 — 26-6-85 } 27-7-85 — 21-9-86 } 1-1-87 — 31-10-88 }	146	3909.88	-do-On 31-10-88
7.	96	Ranga Barik	39476	1-8-75 — 31-12-88	161	4311.58	Retd. on 30-4-89
8.	102	Baneswar Sethi	39482	1-8-75 — 3-3-76 } 7-8-78 — 30-6-88 }	127	3401.06	Retd. on 30-6-88
9.	107	Sonaram Munda	39489	1-8-75 — 3-3-76 } 7-4-82 — 31-12-88 }	89	2383.42	Voluntary retirement 31-3-89
10.	145	Brindaban Naik	39545	1-8-75 — 1-3-82 } 20-4-82 — 17-10-83 } 6-12-83 — 18-7-84 } 27-9-84 — 31-12-88 }	159	4258.02	Retired on 31-3-89
11.	235	Smt. Fulmati Naik	851543	1-9-85 — 28-2-87	18	482.04	Retired on 28-2-87 (POC)
12.	237	Smt. Suru Munda	851545	1-9-85 — 31-12-88	40	1071.20	V. Retd. on 31-3-89 (POC)
13.	240	Smt. Bertha Lugun	851549	1-8-75 — 28-2-87	139	3722.42	Retd. on 28-2-87
14.	248	Sombari Naik	851562	1-9-85 — 29-2-88	30	803.40	Retd. on 29-2-88 (POC)
15.	249	Sri Kausal Prasad	851564	1-8-75 — 31-1-88	150	4017.00	Retd. on 31-1-88

1	2	3	4	5	6	7	8
16.	257	Smt. Sisila Munda	851581	1-9-85 — 31-12-88	40	1071.20	Retd. on 31-12-88 (POC)
17.	280	Smt. Subasi Naik	TPL-137	1-9-85 — 28-2-86	6	160.68	Retd. on 28-2-86 (POC)
18.	281	Smt. Bertha Munda	TPL-151	1-8-73 — 30-4-84	105	2811.90	-do- 30-4-84
19.	285	Smt. Dhanmati Naik	TPL200	1-8-75 — 31-3-81	68	1821.04	-do- 31-3-81
20.	286	Smt. Deni Naik	TPL-202	1-8-75 — 25-7-76 } 1-6-77 — 31-1-84 }	92	2463.76	-do- 31-1-84
21.	287	Smt. Joni Bhengra	TPL-204	1-8-75 — 31-1-84	102	2731.56	-do- 31-1-84
22.	300	Smt. Mukta Horo	TPL-376	1-8-75 — 31-1-84	102	2731.56	-do- 31-1-84
23.	301	Smt. Guro Naik	TPL-382	1-8-75 — 14-3-84 } 1-6-85 — 30-6-85 }	105	2811.90	-do- 30-6-85

ANNEXURE—V

List of Persons of Prospecting Division removed from service and entitled for House Rent Allowance :

Sl. No.	Sl. No. of Master List.	Name	Pl. No.	Period for H.R.A. Payment	No. of Months	Amount (Rupees)	Remarks	
1	2	3	4	5	6	7	8	9
		S/Shri/Smt.						
1.	117	Nilamani Choudhary	39505	1-8-75	24-2-87	139	3722.42	Removed 24-2-87
2.	125	Ratia Bhengra,	39513	1-8-75	4-1-83	90	2410.20	-do- 5-1-83
3.	147	Masidas Munda,	39547	1-8-75	6-3-79	44	1178.32	-do- 24-3-82
4.	202	Sudarsan Naik,	40587	1-8-75	6-5-77	22	589.16	-do- 21-1-83
5.	292	Gurucharan Naik,	(Tpl) 329	1-8-75	23-8-77	25	669.50	-do- 24-8-77

ANNEXURE—VI

List of Persons of Prospecting Division, Resigned, and were entitled for House Rent Allowance

S. No.	Sl. No. of Master List	Name	Pl No.	Period for H.R.A. Payment	No. of Months	Amount (Rupees)	Remarks
1	2	3	4	5	6	7	8
		S/Shri/Smt.					
1.	91	Dobo Munda,	39471	1-8-75	27-3-87	140	3749.20 Resigned--27-03-87
2.	274	Smt. Mangari Munda,	TPL. 48	1-8-75	16-6-77	23	615.94 -do- 16-6-77

ANNEXURE—VII

List of Persons Prospecting Division who were paid H.R.A. as per Court Order and will continue to be paid the same :

1	2	3	4	5	6	7	8
Sl. No.	Sl. No. of Master List	Name	Pl No.	Period of H.R.A. Payment	No. of Months	Amount to paid (Rupees)	Remarks
		S/Shri					
1.	225	Smt. Deogi Munda,	851525	1-9-85	31-12-88	40	1071.20
2.	226	Smt. Budhni Munda,	851526	1-9-85	31-12-88	40	1071.20
3.	227	Smt. Fulmani Munda,	851528	1-9-85	16-8-88	36	964.08
							Transferred to K.I.M. on--16-8-1988,
4.	229	Smt. Palo Munda,	851532	1-9-85	31-12-88	40	1071.20

1	2	3	4	5	6	7	8
5.	230	Smt. Jema Munda,	851533	1-9-85	31-12-88	40	1071.20
6.	231	„ Rajani Naik,	851536	1-9-85	31-12-88	40	1071.20
7.	232	„ Bahalen Munda,	851537	1-9-85	16-8-88	36	964.08 Transferred to K.I.M. on 16-8-1988.
8.	233	„ Namsi Munda,	851539	1-9-85	16-8-88	36	964.08 Transferred to K.I.M. on 16-8-1988.
9.	235	„ Fulmati Naik,	851513	1-9-85	28-2-87	18	482.04 Retired on 28-02-1987
10.	237	„ Suru Munda,	851545	1-9-85	31-12-88	40	1071.20 V. Retired on 31-03-1989.
11.	239	„ Bhabani Naik,	851547	1-9-85	31-12-88	40	1071.20
12.	244	„ Elisaba Guria,	851555	1-9-85	31-12-88	40	1071.20
13.	246	„ Rango Naik,	851560	1-9-85	31-12-88	40	1071.20
14.	247	„ Jano Munda,	851561	1-9-85	31-12-88	40	1071.20
15.	248	„ Sombari Naik,	851562	1-9-85	29-2-88	30	803.40 Retired on 29-02-88
16.	250	„ Budhni Naik,	851565	1-9-85	31-12-88	40	1071.20 Transferred to B.I.M. on 28-02-1989.W
17.	253	„ Champa Mahakud,	851570	1-9-85	31-12-88	40	1071.20
18.	257	„ Sisila Munda,	851581	1-9-85	31-12-88	40	1071.20 Retired on 31-12-1988
19.	266	Sri Pius Haldi,	862305	1-9-85	31-12-88	40	1071.20
20.	280	Smt. Jubasi Naik	Tpl. 137	1-9-85	28-2-86	06	160.68 Retired on 28-02-86 (A.N.)

नई दिल्ली, 25 अप्रैल, 1991

AWARD PART—II

का. अ. 1398—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार स्टेट बैंक आफ़ बीकानेर एण्ड जयपुर के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुसूच में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम न. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 24-4-91 को प्राप्त हुआ था।

New Delhi, the 25th April, 1991

S.O. 1398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Bikaner and Jaipur and their workmen, which was received by the Central Government on 24-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/20 of 1987

PARTIES :

Employer in relation to the management of State Bank of Bikaner & Jaipur.

AND

Their Workmen

APPEARANCES :

For the Employer—Shri A. Kulkarni Advocate.

For the Workmen—Shri B. W. Vaidya, Advocate.

INDUSTRY : Banking STATE : Maharashtra
Bombay, the 16th April, 1991

1238 GI/91—8

By Award Part-I, Issue No. 1 was tried as a preliminary issue, and the finding was recorded on 29-8-1989 that in the domestic inquiry held against the workman Shri V. P. Singh, he was given proper and reasonable opportunity to defend himself, and the rules of natural justice were properly followed. The rest of the Issues are now to be considered. However, the workman died on 20-2-1990 and his widow Mrs. Devisingh Vijaypan Singh and the daughter Seema, aged 14 years, have been brought on record as his heirs. No oral evidence was led by either of the parties regarding the rest of the Issues Nos. 2 to 7. For the reasons below, the findings on Issues Nos 2 to 7 are thus :

Issues No. 2 : No.

Issues No. 3 : Yes.

Issue No. 4 : Charge of misconduct continued.

Issue No. 5 : No

Issue No. 6 : Workman is now dead, hence order as per the Award below.

Issue No. 7 : Award as per Award below.

ISSUE No. 2 :

2. It is an admitted fact that after the Bank suffered a loss of Rs. 40,000 on 8-3-1982, the Bank Officer filed an application on 30-4-1982 to the New India Assurance Company Ltd., Bombay, for the reimbursement of its claim and the order was passed by the Insurance Company on 5-9-1984 sanctioning an amount of Rs. 37,347 to the Bank towards its claim for Rs. 40,000. As such, the Bank got back practically the whole of the amount which it had lost on 8-3-1982. However, this reimbursement does not exonerate the workman from the charge levelled and proved against him of negligence. He has been rightly found guilty of the charge of negligence by the Inquiry Officer in the domestic inquiry held against him. Issue No. 2 is found in the negative.

ISSUE No. 4 :

3. After the amount of Rs. 40,000 was found missing from the cabin of the workman in the Bank, the Bank Officer immediately lodged a complaint of theft of that amount in the police station at Mulund. It is an admitted fact that a charge sheet for the offence under Section 381 of Indian Penal Code was filed against the workman in the Court of Metropolitan Magistrate, Mulund, and that he came to be discharged of that offence. However, this fact also does not

ISSUES No. 3, 5 & 6 :

“A shortage of the cash amount of Rs. 40,000 in the form of bundles of currency notes of Rs. 100 each was detected from amongst the amounts in his custody in the morning of 8-2-1982. He failed to make good the loss to the Bank. He displayed extreme lack of negligence in protecting the Bank’s cash entrusted to him, which resulted in a loss of Rs. 40,000 to the Bank, and he displayed gross negligence involving the Bank in serious loss, and committed gross misconduct under para. 19.5(j) of the Bipartite Settlement of the year 1966.” The Inquiry Officer by his report dated 29-10-1983 found that the Bank had suffered a loss of Rs. 40,000 due to the negligence of the workman, and that nobody else was to be blamed for it.

The workman Shri V. P. Singh was negligent when he left the cabin to hand over the cheque to the counter desk, as it was not his normal duty. He did not count the cash when he returned back to his cabin from the saving counter. He left the cabin door unlocked while leaving the cabin. If the cabin lock was defective, he should not have left the cabin at all. He failed to raise the voice when he found that the cash was short. In case he would have raised the voice, the door would have been closed, and search would have been made. This utter negligence on the part of the workman resulted in the shortage.

7. Even then I find that the punishment of discharge from service inflicted upon the workman is disproportionate to the charges levelled against him. He has been found guilty of negligence. It is not the case of the Bank management that the workman had committed theft of the said amount of Rs. 40,000 nor is their case that the workman had misappropriated that amount. Only due to the negligence of the workman, the Bank had to suffer a loss of the amount of Rs. 40,000. Admittedly, out of that amount the Bank got the reimbursement of the amount of Rs. 37,347 from the New India Assurance Company Limited. According to the workman, his past service record was very good. It is also not the case of the Bank management that the past service record of the workman was bad. Therefore, taking into consideration the said circumstances, in case the workman was to be alive, I would have directed the Bank management to reinstate the workman in service, but not with full back wages, but with the same amount of wages as compensation. i.e. Rs. 25,000. Now the workman is dead. I, therefore, direct the Bank management to pay compensation of Rs. 25,000 instead of the full back wages, to the heirs of the deceased workman, i.e. to his widow Mrs. Devisingh, and to the daughter Seema. The lady Devisingh will receive the amount for herself and on behalf of the minor daughter Seema. Further, the Bank management may think of appointing the widow of the deceased workman in service. Issues Nos. 2 to 6 are found as mentioned above. Hence the following Award is passed.

The action of the management of the State Bank of Bikaner and Jaipur in discharging the workman Shri V. P. Singh from service was not just and proper.

The parties to bear their own costs of this Reference.

16-4-1919.

[No. L-12012/212/86-DII(A)]

S. C. SHARMA, Desk Officer

નર્ડ દિલ્લી, 29 અપ્રેલ, 1991

का. आ. 1399:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार बैस्टन रेलवे के प्रबन्धत्व के संबन्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-91 को प्राप्त हुआ था।

New Delhi, the 29th April, 1991

S.O. 1399.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 24-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/19 of 1990

PARTIES:

Employers in relation to the Management of Western Railway.

AND

Their Workmen.

APPEARANCES:

For the Employers : Shri Ansari, Representative.

For the Workmen : Shri Asharam G. Rajput, Divisional Secretary, Pashchim Railway Karamchari Parishad.

INDUSTRY : Railways.

STATE : Maharashtra.

Bombay, the 5th April, 1991

AWARD

The Central Government by their Order No. L-41011/64/89-IR(DU), dated 23-8-1990 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

“Whether the following demand of Pashchim Railway Karamchhari Parishad is justified? If yes, what relief the workmen concerned are entitled to and from what date?”

The integrated seniority list for the selection of ELC on the scale of Rs. 1400—2300 (RP) should be published before selection be held.

2. Both the parties were duly served with the notice of the present reference. Both of them appeared before this Tribunal. However, the Union did not file any Statement

of Claim in support of their claim, and the management also did not file any Written Statement in support of their action.

3. However, on 4-4-91 the Divisional Secretary of the Union filed an application (Ex. 2) that the demand of the Union is not been pressed, and as such, the case be dropped. Therefore, in view of this application the reference stands disposed off. The parties to bear their own costs of this reference.

P. O. APSHANKAR, Presiding Officer
[No. L-41011/64/89-IR(DU)(Pt.)]

का. घा. 1400.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सड़क रेलवे के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-91 को प्राप्त हुआ था।

S.O. 1400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 24-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/27 of 1990

PARTIES :

Employers in relation to the Management of Western
Railway,

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri Ansari, Representative.

For the Workmen : Shri Asharam G. Rajput, Divisional
Secretary, Pashchim Railway Karamchari Parishad.

INDUSTRY : Railways, STATE : Maharashtra.
Bombay, the 5th April, 1991

AWARD

The Central Government by their Order No. L-41011/75/89-IR(DU), dated 18-9-90 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the demand of the Pashchim Railway Karamchari Parishad for the promotion of Sr. ACDC Asstts. as Driver Gr. 'C' with retrospective effect and also fixation of promotion policy is justified? If yes, what relief the concerned workmen are entitled to and from what date?"

JUSTIFICATION

Demand No. 1 : Promotion of Driver Gr. 'C' and Shunter
—Bamy AC/DC Shed :

There are senior AC/DC Assistant overlooked for promotion as Driver Gr. 'C' and their juniors have been promoted as Driver Gr. 'C' and Shunter. The senior employees should be given proper promotion and proforma fixation with retrospective effect and promotion should be made immediate as they are diesel trained.

Demand No. 2 : Harassment of DEE (ML) AC-BCT :

The AC/DC Running Staff are harassed by DEE (ML) AC-BCT. The staff are put off duty for days together, without issuing suspension order. They are asked to apply for leave when they refuse, they are issued suspensions retrospectively. They are called in DRM office and made to wait for whole day and not allowed to see him. His behaviour is inhuman and cruel. He should behave properly.

2. Both the parties were duly served with the notice of this Tribunal. However, the Union did not file any Statement of Claim in support of its claim, nor the management filed their Written Statement in support of their action.

3. However, on 4-4-91, the Divisional Secretary of the Union filed an application (Ex. 2) that the demand of the Union is not pressed, and hence the case be dropped. Therefore, in view of this application the reference stands disposed off. The parties to bear their own costs of the reference.

P. D. APSHANKAR, Presiding Officer
[No. L-41011/75/89-IR(DU)(Pt.)]

का. घा. 1401 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बदरपुर थर्मल पावर स्टेशन के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Badarpur Thermal Power Station and their workmen which was received by the Central Government on 23-4-91.

ANNEXURE

BEFORE SHRI GANPATI SHRAMA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 107/89

In the matter of dispute between :
Badarpur Thermal Power Station, Badarpur, New
Delhi-110044, through its General Secretary Shri
Om Parkash, r/o 835, Chotta Bazar, Kashmeri Gate,
Delhi-110006.

Versus

Management of Badarpur Thermal Power Station,
Badarpur, New Delhi-110044
through its General Manager.

APPEARANCES :

Shri Om Parkash—for the workman.

Shri G. S. Dhir—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. 42011/29/88-D.2(B) dated 9-1-88 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of the Badarpur Thermal Power Station, Badarpur, Delhi in asking a class of workmen to declare in writing that they are not member of any Union, that they belong to Supervisory category of workmen and they do not desire negotiated wage settlement which

is due from 1-1-87 and releasing payment of interim relief and consequential benefits only on that declaration is legal and justified? If not to what relief this class of workmen are entitled?"

2. On 30-1-91 the representative for the Management made statement that they were not asking any member or any workman to declare in writing that they are not members of any Union, that they belong to the Supervisory category of workmen and they do not desire negotiated wage settlement due from 1-1-87 and were releasing the payment of interim relief and consequential benefits. Payments to all persons whether members or not have already been made as per instructions of the Government Annexure R-III has been filed to this effect.

3. It has further been stated by the representative for the Management that the declaration stated in the reference order has neither been used so far in any Conciliation nor in the certified standing order proceedings nor they intend to use in a such proceedings or industrial dispute in future and the practice has since been closed now.

4. In view of the above statement of the representative for the management the entire reference has become infructuous as in view of the fact that the said action has since been withdrawn the workmen representative is satisfied and, therefore, the statement of the Management representative shall remain binding on the Management and they shall not be asking for any such undertaking from any workman in future.

5. Parties are left to bear their own costs of this reference in view of the above situation.

GANPATI SHARMA, Presiding Officer

[No. L-42011/29/88-D.II(B)(Pt.)

27th February, 1991.

का. आ. 1402 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नमक परीक्षण केन्द्र, पटना के प्रबंधन के संज्ञा नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Namak Parikshan Kendra, Patna and their workmen, which was received by the Central Government on 23-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 204 of 1990

PARTIES :

Employers in relation to the management of Namak Parichchan Kendra, Patna.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the employers.—Shri S. R. Khaitan, A.G.P.

For the workmen.—None.

STATE : Bihar.

INDUSTRY : Namak Parichchan.

Dated, Dhanbad, the 15th April, 1991

AWARD

By Order No. L-42012/109/89-I.R. (D.U.) dated, the 5/10th September 1990, the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2k) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

अनुचौ

क्या नमक परीक्षण केन्द्र, कोताब सवन सैन, तार्य या कृष्ण पुरो, पटना के प्रबंधन के द्वारा श्री जीम प्रकाश वर्मा, तेबोरिटो अमिस्टेट ग्रेड-1 के दिनांक 21-12-88 से काम हटा दिए जाने की कारवाई उचित है? यदि नहीं तो कर्मकार किस अनुचौ के अधिकारी हैं।

2. The order of reference for adjudication of the industrial dispute was received in the office of this Tribunal on 29-9-90 and the same was registered as Ref. No. 204/90. Thereafter notices were served upon both the parties. In response to the notice, the management appeared and submitted its Written Statement.

3. The written statement of the management discloses that the concerned workman was selected for appointment in the post of Laboratory Assistant Grade-I purely on temporary basis for a maximum period of 6 months. The post of Laboratory Assistant being a post of Group-C was beyond the competence of the Asstt. Salt Commissioner to make appointment in that post which can only be made with the approval of the Staff Selection Commission. The concerned workman accepted the terms and conditions of appointment. His services were terminated with effect from 26-7-87. He applied for fresh appointment which was made on the basis of the same terms and conditions and again his services were terminated with effect from 29-1-88. Then again the concerned workman applied for appointment afresh and again his services were terminated with effect from 9-8-88. Thereafter he was again appointed on the basis of his application and again his services were terminated with effect from 21-12-88. He was informed by letter dated 5-10-88 that an advertisement for recruitment of Laboratory Assistant in various laboratories under the Salt Commissioner would be published and circulated in the National Newspaper and he was advised to apply for the post and, if selected, to appear before the Staff Selection Commission. He requested for a certificate of experience which was given to him. It has also been submitted by the management that the concerned workman is not a workman within the meaning of Section 2(s) of the I.D. Act and that the present dispute does not come within the purview of the I.D. Act.

4. As stated before, the concerned workman did not appear but even then several adjournments were granted. Lastly the case was fixed on 13-3-89 but the concerned workman did not appear. Regard being had to the fact that the concerned workman has consistently failed to appear and to submit his statement of claim, it appears to me that there is no industrial dispute existing between the employers and the workmen. In the circumstances, I am constrained to pass a "No dispute" Award in the present reference.

S. K. MITRA, Presiding Officer

[No. L-42012/109/89-IR(DU)(Pt.)]

का. आ. 1403 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल पोटेटो रिसर्च स्टेशन, ग्वालियर के प्रबंधन के संज्ञा नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1403.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Potato Research Station, Gwalior and their workmen, which was received by the Central Government on 23-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(203)/1989

PARTIES :

Employers in relation to Central Potato Research Centre
Post Box No. 4, Gwalior (M.P.) and their work-
man, Shri Tarachand Rajak S/o Shri Barelal Rajak,
Nivasi Nadi, in front of Centre Police Thana,
Murar, Gwalior (M.P.).

APPEARANCES :

For Workman.—Shri Ashok Upadhyay, Advocate.

For Management.—Shri S. G. Phartare, Principal
Scientist.

INDUSTRY : Potato Research Centre.

DISTRICT :
Gwalior (M.P.)

AWARD

Dated, 10th April, 1991

This is a reference made by the Central Government,
Ministry of Labour, vide its Notification No. L-42012/87/88-
D-2(B) Dated 5th October, 1989 for adjudication of the
following dispute :—

“Whether the stoppage from work or removal from
service of Shri Tarachand Rajak S/o Shri Barelal
Rajak by the management, Officer-in-Charge, Cen-
tral Potato Research Station, Gwalior after June,
1987 is not against the Rules. If the removal from
service of Shri Tarachand is illegal, whether to take
him back in service from back date is justified or
not and to what relief the official is entitled ?”

2. Despite repeated notices the management pleased to
remain absent and the case proceeded ex parte vide proceed-
ings dated 21-5-90 against the management.

3. The case of the workman in brief is that he was serv-
ing as Electrician with the management since 1-10-1985. His
services were removed by oral order in the month of June,
1987. Neither any retrenchment notice was given to him
nor he was paid retrenchment compensation. That apart,
after the termination of the services of the workman, a
workman of the choice of the management was employed
in his place. He is, therefore, entitled to be reinstated with
full back wages and consequential benefits.

4. Workman examined himself in support of his case and
proved his document Ex. W/1 according to which the
workman served as an Electrician with the management from
1-10-85 to 31-3-87. According to the workman he worked
till June, 1987 and thereafter his services were orally ter-
minated. Ex. W/1 is a Character Certificate and would not
show that his services were terminated on 31-3-87. Thus his
oral testimony in this regard has to be believed.

5. According to the workman, he was not served with
any retrenchment notice. He was not given retrenchment
compensation. The provisions of Sec. 25F of the I.D. Act.
have been violated. Obviously the workman had served for
more than one year continuously.

6. The workman, Shri Tarachand Rajak has, however,
stated that after removing him from service orally, one
Pramod who is in relation to the Incharge of the management
has been appointed. This is also violation of the provisions
of Sec. 25-H of the I.D. Act. There is no evidence con-
trary to it. The workman is accordingly entitled to rein-
statement with full back wages and continuity in service
since after June, 1987 with all consequential benefits. Re-
ference is accordingly answered as follows :—

The stoppage from work or removal from service of
Shri Tarachand Rajak S/o Shri Barelal Rajak by the manage-
ment, Officer-in-Charge Central Potato Research Station,

Gwalior after June, 1987 is against the Rules, and as such
illegal. He is entitled to reinstatement with full back wages
and continuity in service since after June 1987 with all
consequential benefits. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-12012/87/88-D.11(B)(Pt.)]

का. प्रा. 1404 :—औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रसिस्टेण्ट
इंजीनियर, वेस्टर्न रेलवे, माहु के प्रबन्धतंत्र के संबद्ध नियोजकों और
उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय
सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती
है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1404.—In pursuance of Section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government In-
dustrial Tribunal, Jabalpur as shown in the Annexure, in
the industrial dispute between the employers in relation to
the management of Asstt. Engineer Western Rly. Mahu and
their workmen, which was received by the Central Govern-
ment on 23-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(87)/1989

PARTIES :

Employers in relation to Western Railway, Mahu
(Indore) and their workman, Shri Chotelal S/o Shri
Ramautar, House No. 100, Railway Quarter, Mahu,
District Indore (M.P.).

APPEARANCE :

For Workman.—Shri S. M. Ali, Advocate.

For Management.—None.

INDUSTRY : Railways.

DISTRICT : Indore (M.P.).

AWARD

Dated 15th April, 1991

This is a reference made by the Central Government
Ministry of Labour, vide its Notification No. L-41012/59/
88-D-2(B) Dated 2nd May, 1989, for adjudication of the
following dispute :—

“Whether the termination of service of Shri Chotelal
S/o Ramautar by the Assistant Engineer, Western
Railway, Mahu, without any notice or depart-
mental enquiry is justified ? If not, whether the
workman should be taken back in service. If yes,
to what relief the official is entitled and from which
date ?”

2. Undisputed facts of this case are that the workman
was a Gangman and was given temporary status by the
management.

3. According to the workman, he was working as a
Gangman under the P.W.I., Western Railway, since 23-7-80.
He worked in the said capacity upto 20-9-1981. He was
sometimes given job and sometimes he was not given job
though he attended the office in time. He has, however,
continuously worked from 10-5-1981 to 20-9-1981 and has
acquired the temporary status. Since he got the temporary
status he was stopped from work from 21-9-1981 and his
services were orally terminated without any notice. He
repeatedly went for the job but was refused. He is ac-
cordingly entitled to be reinstated with full back wages. He
is also entitled to continuity in service, seniority and all other
benefits.

4. Management in its reply admitted that the workman
was employed on 23-7-1980. He worked from 23-7-1980

to 10-12-1980. Thereafter he did not work from 11-12-80 to 9-5-1981. Again he was re-employed on 10-5-1981 as casual labour and worked from 10-5-1981 to 20-9-1981. Thereafter he never attended his duties. He has been paid all the arrears till that date. It is not disputed that he was given temporary status on 10-5-1981. He has absented himself thereafter. He was never stopped from work. He is not entitled to any claim whatsoever.

5. Similar facts have been reiterated and explained in detail in the respective rejoinders of the parties.

6. After filing the written statement the management did not take any interest and nobody appeared for the management since 26-10-1989 onwards. The case was ultimately fixed for evidence for 16-8-1990. The workman sent his affidavit and closed his case. That is all the un rebutted evidence before this Tribunal.

7. From the unchallenged Affidavit of Shri Chotelal it is established that he worked from 23-7-80 upto 20-9-1981, but the periods of work were broken due to no fault of his. He was thereafter permitted to work continuously for a period from 10-5-81 to 20-9-81 (120 days) and was granted temporary status.

8. Despite his going to office he was not given any work from 21-9-1981 onwards. He daily approached the management but to no effect.

9. Apply the principles laid down in the case of H. D. Singh Vs. Reserve Bank of India and others (1985 SCC (L & S) p. 975) and believing the Affidavit of Shri Chatelal it is obvious that the workman concerned being a workman was removed from duty with effect from 21-9-1981. He has already acquired temporary status. He has not wilfully absented himself. He is, therefore, entitled to reinstatement with full back wages and all consequential benefits flowing therefrom. Reference is accordingly answered with no order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-41012/59/88-D.II(B)(Pt.)]

का. भा. 1405 :—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार डिस्ट्रिक्ट मैनेजर टेलीफोन इन्दौर के प्रबन्धन के संबन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, जबलपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1405.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to management of Distt. Manager, Telephone Indore and their workmen, which was received by the Central Government on 23-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)/56/1988

PARTIES:

Employers in relation to the management of District Manager, Telephones, Indore (M.P.) and their workman, Shri Anup Kumar Chouhan S/o Shri Jai Singh, 52, Azad Nagar, Indore (M.P.)

APPEARANCES:

For Workman—Workman himself.

For Management—Shri R. K. Jain, Advocate.
INDUSTRY : Telephones DISTRICT : Indore (M.P.)

AWARD

Dated: April 15th 1991

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-40012/27/87-D.II(B) dated 11-5-1988 and again dated 9-7-1988, for adjudication of the following dispute :—

"Whether the action of the District Manager Telephone Indore in removing the services of Shri Anup Kumar Telephone Operator with effect from 15-2-1979 is justified? If not, to what relief the concerned workman is entitled to and from what date?"

2. Facts relating to this case are that the workman, Shri Anup Kumar, was a Telephone Operator and entered in service with effect from 1-12-1966. He was condemned with effect from 31-7-1969. The workman by letter dated 28-12-77 was granted leave for 15 days and further leave was extended till 15th February, 1978. The workman thereafter remained absent till 10th July, 1978.

3. According to the workman, he had submitted leave application supported by Medical Certificate from time to time which according to him were never challenged nor the workman was ordered to appear before the Civil Surgeon for second medical examination. His service were now ever terminated vide Memo dated 13-2-1979 by the D.E. Phones with effect from 15-2-1979.

4. The workman says that he had a meritorious record. He had come to know that he was charge-sheeted and a defective enquiry was held against him, but he was not apprised of the said departmental enquiry which was held in absentia. The order of removal from service was also not delivered to him properly but was handed over to his child aged 2-1/2 years. The Enquiry is also vitiated on various grounds such as that the workman was not informed of the enquiry, he was not provided with the chargesheet, evidence, documents, list of witnesses etc. etc. The management deliberately tried to serve him on a wrong address and heretofore he could not join the enquiry. He had, however, reported for duty on 30-9-1978, but he was not permitted to resume duties. Again he represented to the D.E. Telephones Indore vide representation dated 4-1-1979 but he was not allowed to resume duties. Appeal was preferred against the order but to no effect. He again attempted to resume duties on 14-1-1979 and actually worked on that date but undelivered letters were not handed over to him. The enquiry report and final orders were not furnished to him. No notice was served upon him. In any case the workman should have been treated in accordance with Rule 25 of C.C.S. (Leave) Rules, 1972 which provides to deal with the case of absence after expiry of leave. Thus at least leave available should have been granted for the period of absence and if no leave was available period of his absence might have been treated leave without pay. The termination is too harsh. The enquiry is bad in law and is liable to be set aside with all back wages and consequential benefits.

5. Management has given a detailed version of past misconduct of the workman concerned. Management has also averred that the workman was habitual absentee. His services were earlier terminated. He was granted Extra-Ordinary Leave for 15 days only and extension from 15-2-78. Thereafter the official absented by producing Medical Certificate. The Certificate was challenged and he was sent to the Civil Surgeon, Indore, but because the workman did not appear before the Civil Surgeon, the Civil Surgeon returned the Memo. The departmental enquiry was validly held. All the notices were served on his proper address. Even the enquiry was made relating to the whereabouts of the workman from the Police, but he was not traceable. It was incumbent on the workman to give his residential address for the period of his absence, but that too was not given by him. Hence on account of non-service and refusal

of the workman to be served the enquiry was held ex parte and it was legally and validly held. The workman is not entitled to any relief whatsoever and the reference is liable to be rejected.

6. Rejoinders have been filed by the parties and facts in details have been reiterated, but I have dealt with the case of the parties in brief.

7. Having gone through the pleadings and rejoinders certain facts became very clear—

(a) The workman was granted leave for 15 days. Leave was extended upto another 15 days till 15-2-1978. Workman allegedly remained on leave on medical grounds from 16-2-1978 to 10-7-1978 (para 3 of the statement of claim).

(b) As per para 12 of the statement of claim the workman reported for duty on 30-9-78 for the first time. There is nothing to show as to what he was doing during the period from 11th July, 1978 to 29-9-1978 because here there is no mention of the fact that he had applied for leave for this period also.

(c) In the meanwhile D.E. was held and his services were terminated with effect from 15-2-79.

8. Even the workman has admitted that the management though tried to find out his address but it deliberately gave a wrong address. His correct address was 20 Hathipala, Indore, on which address he should have been served. According to the management the last address of the workman available was 52 Azad Nagar, Indore. According to the management, notices were served at both the places of the workman concerned and ultimately at his subsequent address 52, Azad Nagar, Indore. The conduct of the workman can be very well gathered from para 7 of his statement of claim, according to which, the notice was handed over to his child aged 2-1/2 years. Thus it is revealed that the workman was playing game of hide and seek. Though the documents are not before this Tribunal but from the statement of the parties and their rejoinders it can be gathered that the police tried to find out the proper address of the workman from both the addresses and the fact that even police could not trace him out and that the workman was mischievously concealing himself.

9. I have gone through the documents Ex. W/1 to Ex. W/7 and Ex. M/1 which has not been disputed by both the parties. Management has not produced the departmental enquiry filed but the facts are so glaring as well as admitted between the parties that the workman was absenting himself deliberately and the misconduct is amply established without the D.E. file.

10. The only question now remains whether the penalty is excessive in the circumstances of this case and whether he should be given another opportunity. It is difficult to answer this question in the circumstances of this case, but from the reading of the written statement, para 3, it is clear that the workman was extending leave by producing medical certificate which certainly could not be verified because the workman absented himself rather concealed himself and management was serving him here or there even making enquiry from the police about his whereabouts. That being the case, it appears that the management had no option but to remove the workman from service. Thus in the circumstances the validity of the departmental enquiry is not material, even otherwise also nothing particular could be pointed out that D.E. was vitiated for a particular reason. The workman had absented himself during the D.E. it was held ex parte and therefore the question does not arise that he was not supplied any paper or documents. Thus it cannot be said that D.E. was vitiated.

11. The workman was a confirmed employee. His action may be treated mere a foolishness on his part than mischief because he could be well aware of the consequences of his conduct. The services are difficult these days and

lenient view can be taken in this case by giving adequate punishment to him. The adequate punishment would be that he would not be entitled to any back wages or benefits. I therefore set aside the order of removal from service and order him to be reinstated from the date of publication of the award without any back wages or any consequential benefits but continuity in service with no order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer
[N. L-40012/27/87-D.II(B)(Pt.)]

का. धा. 1406 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्बिनेस डिपो, जबलपुर के प्रबन्धक के संवाद नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-91 को प्राप्त हुआ था।

S.O. 1406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Depot, Jabalpur and their workmen, which was received by the Central Government on 23-4-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(28)/1989

PARTIES :

Employers in relation to the management of Central Ordnance Depot, Jabalpur and their workman, Shri Motilal S/o Masuriadeen represented through the Depot Kamgar Union, Central Ordnance Depot, Jabalpur (M.P.)

APPEARANCES :

For Workman—Shri R. K. Gupta, Advocate.

For Management—Shri S. S. Jha, Advocate.

INDUSTRY : Ordnance Depot

AWARD

Dated : April 9th, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-14011/11/87-D-2(B) Dated 23rd January, 1989 for adjudication of the following dispute :—

“Whether the demand of the Secretary, Depot Kamgar Union, Central Ordnance Depot, Jabalpur to place Shri Motilal S/o Masuriadeen, T. No. 4419, Cleaner (I.T.S.) Central Ordnance Depot on the post of Driver w.e.f. 1-7-1971 and grant him other consequential benefits is justified? If yes, to what relief the workman is entitled to and from what date?”

2. Undisputed facts of this case are that the workman concerned was employed with the management as a Cleaner with effect from 13-11-1983. He had also passed the test of Driver and was given Driver Licence (Military Driving Licence) by the management on 1-7-1971. He was also called for interview for the post of Driver held on 1-10-84 and he was selected for the post but he was not appointed as a Driver.

3. The workman says that he is working on the post of Driver with effect from 1-7-1971 onward. On the principle of equal pay for equal work he is entitled to the wages of

the Driver from that date on wards. Though he was initially appointed as cleaner with effect from 13-11-1963 despite his representation he has not been promoted but his junior one Shri Chindhe Lal who entered in the interview held on 12-10-1984 was promoted as a Driver. This is discriminatory. He is being taken the job of Motor Driver and he is entitled to be promoted as such from 1-7-1971 onwards with all consequential benefits.

4. According to the management he was never taken in the job of a Driver. He voluntarily worked as Driver to gain experience for getting the promotion. The management has no power to appoint him because the post as such was not sanctioned and the matter was referred to the higher authorities. He has not done the job of the Driver with effect from 1-7-1971. He is performing his duties as Cleaner only. The reference is, therefore, liable to be rejected.

5. Workman has filed his Affidavit in support of his case and has proved documents Ex. W/1 to Ex. W/4. Management has proved no document nor has adduced any evidence.

6. Ex. W/1 is photo copy of the Licence of the Workman. Ex. W/2 are Driver's Car Diary. Ex. W/3 is the Certificate dated 2nd November, 1982 according to which the workman is working as a Driver since last 3 years. Ex. W/4 is the copy of the application of the workman concerned.

7. Workman has stated on oath that the work of Driver is taken from him from 1-7-1971. His junior Vijay Kumar has been promoted as Driver and as such he is entitled to be promoted on the post of Driver with effect from 1-7-1971.

8. I may point out at this juncture that while in para 2(k) of the statement of claim the workman has pointed out that Shri Chokhe Lal who was his junior was promoted while as per his Affidavit it was Vijay Kumar. This is an inconsistency between the pleading and proof and this part of the evidence of the workman has to be rejected.

9. Now remains Ex. W/3 which is very material. This document of the workman himself which shows that the workman is working as Driver since November, 1979.

10. In view of all the facts and circumstances of this case, the workman is entitled to the wages of a Driver from November, 1979 onwards and should be promoted as a Driver as and when the post of Driver occurs. Reference accordingly is answered as follows :—

That the demand of the Secretary, Depot Kamgar Union, Central Ordinance Depo, Jabalpur to place Shri Motilal S/o Masuriadeen, T. No. 4419, Cleaner, (I.T.S.) Central Ordinance Depot on the post of Driver w.e.f. November, 1979 and grant him other consequential benefits is justified. He will, however, be entitled to the wages of Driver with effect from November, 1979. The management is directed to promote him as Driver as and when the post of Driver occurs. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-14011/11/87-D.II(B)(Pt.)]

K.V.B. UNNY, Desk Officer

नई दिल्ली, 29 अप्रैल, 1991

का. प्रा. 1407 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33 ग की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अधिसूचना संख्या ए—11020/6/87—सी. एल. टी. दिनांक 8-2-91 में प्रांशिक संशोधन करते हुए केन्द्रीय सरकार इसके द्वारा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या ए—11016/5/85—सी. एल. टी., दिनांक 3 फरवरी, 1987 द्वारा उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, बंगलौर को उस श्रम न्यायालय के रूप में निर्दिष्ट करती है

जो उस रकम का निर्धारण करेगा जिस पर उस उप धारा में निर्दिष्ट किन्हीं लाभ की संगणना कर्नाटक, केरल और तमिलनाडु राज्यों के किसी उद्योग में, जिसके बारे में केन्द्रीय सरकार समुचित सरकार है, नियोजित कर्मचारों के धन के रूप में की जाए।

[संख्या ए—11020/6/87—सी. एल. टी.]

जगदीश हरिजन, उप सचिव

New Delhi, the 29th April, 1991

S.O. 1407.—In exercise of the powers conferred by sub-section (2) of section 33-C of the Industrial Disputes Act, 1947 (14 of 1947), and in partial modification of Notification No. A-11020/6/87-CLT, dated 08-02-1991, the Central Government hereby specifies the Labour Court, Bangalore constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour No. A-11016/5/85-CLT, dated 3rd February, 1987 as a Labour Court which shall determine the amount at which any benefit referred to in that sub-section would be computed in terms of money in relation to workmen employed in any industry in the States of Karnataka, Kerala and Tamil Nadu in respect of which the Central Government is the appropriate Government.

[No. A-11020/6/87-CLT]

JAGDISH HARIJAN, Dy. Secy.

नई दिल्ली, 30 अप्रैल, 1991

का. प्रा. 1408 :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि यूरेनियम उद्योग को जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि 19 के अंतर्गत आता है, उक्त अधिनियम के प्रयोजनार्थ लोक उपयोगी सेवा घोषित किया जाए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए सत्त्वत्त प्रभाव से छ: और महीनों की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. सं.—एस-11017/10/85-डी-1 (क)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 30th April, 1991

S.O. 1408.—Whereas the Central Government is satisfied that the Public interest requires that the Uranium Industry, which is covered by entry 19 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act ;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/10/85-D. I (A)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 1 मई, 1991

का. प्रा. 1409 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-5-91 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के विषय में पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और

धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“कन्नूर जिला व तालुक में चेरुकुन्नू राजस्व ग्राम के अन्तर्गत आने वाले क्षेत्र”

[सं. एस.-38013/19/91-एस. एस. I]

New Delhi, the 1st May, 1991

S.O. 1409.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th May, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section (1)] of section 76 and 77, 78, 79 and 81 which have already been brought into force of the said Act shall come into force in the following areas in the State of Kerala namely :—

“The areas within the revenue village of Cherukunnur in Taluk and District Kannur.”

[No. S-38013/19/91-SS. I]

नई दिल्ली, 3 मई, 1991

का. आ. 1410 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-5-91 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला एवं तालुक हासन की होबली कसाबा के अन्तर्गत आने वाले राजस्व ग्राम चिक्कामन्दगना-हल्ली”

[सं. एस-38013/18/91- एस. एस. I]

ए. के. भट्टारार्ई, अवर सचिव

New Delhi, the 3rd May, 1991

S.O. 1410.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th May, 1991 as the date on which the pro-

visions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section (1)] of section 76 and 77, 78, 79 and 81 which have already been brought into force of the said Act shall come into force in the following areas in the State of Karnataka namely :—

“Area comprising the revenue village Chikkamandiganahally in Hobli Kasabain Taluk and District Hassan.”

[No. S-38013/18/91-SS. I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 2 मई, 1991

का. आ. 1411 :—केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 83 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का. आ. 3699 तारीख 22 नवम्बर, 1965 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में मद 12 के सामने स्तंभ (3) के नीचे मद (iii) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“(iii) नियोजित घंटों की संख्या के दोगुने से अधिक अवधि के लिए विश्राम मंजूर किया जाएगा, जैसा कि ऊपर उल्लिखित है (दशमलव अंक को पूर्णांकित किया जाएगा); और”

[का. सं. एस.-29014/5/85-आईएसएच-II/जिल्द-II]

राम तिलक पाण्डेय, उप-सचिव

New Delhi, the 2nd May, 1991

S.O. 1411.—In exercise of the powers conferred by Sub-section (1) of Section 83 of the Mines Act, 1952 (35 of 1952) the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, No. S. O. 3699, dated the 22nd November, 1965, namely :—

In the Schedule to the said notification, against item 12 under Column (3), for item (iii), the following shall be substituted, namely :—

“(iii) be granted rest for a period of not less than twice the number of hours employed, as above (decimal figure to be rounded-off) : and”

[F. No. S-29014/5/85-ISH-II-Vol. II]

R. T. PANDEY, Dy. Secy.

